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12th April

Hon Thos W Roberts
Mayor of Santa Ana

with the
Complaint of
Mayor of Mobile.

Mr John W Rogers
Esq of Boston Mass

Dear Sir
Enclosed I
have the honor

Jan. 1. 1810. 80

Jan. 2. 1810.

Jan. 3. 1810.

Jan. 4. 1810.

THE CHARTER
AND
CODE OF ORDINANCES
OF
THE CITY OF MOBILE.

COMPILED BY
REUBEN A. LEWIS,
UNDER THE ORDER OF THE MAYOR, ALDERMEN AND COMMON COUNCIL.



MOBILE, ALA.:
ADVERTISER & REGISTER OFFICE.
1866.

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CHARTER.

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CHARTER OF THE CITY OF MOBILE.

AN ACT to consolidate the several Acts of Incorporation of the City of Mobile, and to alter and amend the same.

§ 1. *Be it enacted by the Senate and House of Representatives of the State of Alabama, in General Assembly convened,* That the corporation of the city of Mobile shall hereafter consist of a Mayor, Board of Aldermen and Board of Common Council, and shall be known and styled as the “Mayor, Aldermen and Common Council of the City of Mobile,” and by their corporate name may sue and be sued, implead and be impleaded, grant, receive, and do all other acts as natural persons, and may purchase and hold real, personal and mixed property, or dispose of the same, for the benefit of said city, and may have and use a city seal, which may be broken or altered at pleasure.

Style of corporation.
May purchase property.

§ 2. *Be it further enacted,* That the limits and boundaries of the said city of Mobile shall be as follows, to wit:

Boundary of the city.

Commencing at the North bank of Bayou Chetaugue at its mouth, thence running east to the east bank of Spanish River, thence down the east bank of said river to the extreme southern point of the island, thence south to a point which will intersect the south boundary of township No. 4, thence west to a point where a north line will strike the Bayou Chetaugue at the old portage, thence down the left bank of said bayou to the place of beginning.

§ 3. *Be it further enacted,* That the said city of Mobile shall be divided into eight Wards, to be numbered and designated as Wards Nos. 1, 2, 3, 4, 5, 6, 7, and 8; which Wards shall be divided and bounded as follows:

Eight wards.

Ward No. 1 shall commence at the intersection of the eastern and northern boundary lines of the city, thence running southwardly along the east boundary line of the city to its intersection with the centre of St. Louis street,

Ward No. 1.

thence westwardly along the centre of St. Louis street to its intersection with the centre of Franklin street, thence northwardly along the centre of Franklin street to its intersection with the north boundary line of the city, thence along the said north boundary line eastwardly to its intersection with the east boundary line of the city, being the place of beginning.

Ward No. 2.

Ward No. 2 shall commence at the intersection of the east boundary line of the city and the centre of St. Louis street, thence running southwardly along the said east boundary line to its intersection with the centre of St. Francis street, thence westwardly along the centre of said St. Francis street to its intersection with the centre of Franklin street, thence northwardly along the centre of Franklin street to its intersection with the centre of St. Louis street, thence eastwardly along the centre of St. Louis street to its intersection with the said east boundary line, being the place of beginning.

Ward No. 3.

Ward No. 3 shall commence at the intersection of the east boundary line of the city and the centre of St. Francis street, thence running southwardly along said east boundary line to its intersection with the centre of Conti street, thence westwardly along the centre of Conti street to its intersection with the centre of Franklin street, thence running northwardly along the centre of Franklin street to its intersection with the centre of St. Francis street, thence eastwardly along the centre of St. Francis street to its intersection with the said east boundary line, being the place of beginning.

Ward No. 4.

Ward No. 4 shall commence at the intersection of the east boundary line of the city and the centre of Conti street, thence running southwardly along said east boundary line to its intersection with the centre of Monroe street, thence westwardly along the centre of Monroe street to its intersection with the centre of Franklin street, thence northwardly along the centre of Franklin street to its intersection with the centre of Conti street, thence eastwardly along the centre of Conti street to its intersection with the said east boundary line, being the place of beginning.

Ward No. 5.

Ward No. 5 shall commence at the intersection of the east boundary line of the city and the centre of Monroe

street, thence running southwardly along said east boundary line to its intersection with the south boundary line of the city, thence westwardly along said south boundary line to its intersection with the centre of Franklin street, thence northwardly along the centre of Franklin street to its intersection with the centre of Monroe street, thence eastwardly along the centre of Monroe street to its intersection with the east boundary line of the city, being the place of beginning.

Ward No. 6 shall commence at the intersection of the south boundary line of the city and the centre of Franklin street, thence running northwardly along the centre of Franklin street to its intersection with the centre of Dauphin street, thence westwardly along the centre of Dauphin street as far as the intersection of Wilkinson street, from thence south along the centre of Wilkinson street to the connection of said street with Washington Avenue, formerly called Dog River road, and thence along the centre of said avenue or road to the south boundary line of the city. Ward No. 6.

Ward No. 7 shall commence at the intersection of the centre of Dauphin and Franklin streets, thence running westwardly along the centre of Dauphin street as far as the intersection of Wilkinson street, from which point continuing westwardly along the centre of the Spring Hill road to the west boundary line of the city, thence northwardly along said west boundary line to its intersection with the north boundary line of the city, thence eastwardly along said north boundary line to its intersection with the centre of Franklin street, thence southwardly along the centre of Franklin street to its intersection with the centre of Dauphin street, being the place of beginning. Ward No. 7.

Ward No. 8 shall commence at the centre of the intersection of Dauphin and Wilkinson streets and Spring Hill road, and from thence run northwestwardly to the western boundary line of the city, thence southwardly along the western boundary line of the city to the south boundary line thereof, thence along said south boundary line of the city to a point where said line intersects with Washington Avenue or Dog River road, thence north through the centre of said Washington Avenue or Dog River road to its Ward No. 8.

connection with Wilkinson street, and thence along the centre of Wilkinson street to the place of beginning.

Eligibility of
mayor, alder-
men and com-
mon council.

§ 4. *Be it further enacted*, That no person or persons shall be eligible to the offices of mayor, aldermen or common council aforesaid, unless he or they be free white male citizens of the United States, of lawful age, and shall have lived within the corporate limits of the said city at least twelve months immediately preceding the time of their election, and shall have paid into the city treasury a tax within the last municipal year, unless exempted by law from the payment of the same.

Board of alder-
men.

Councilmen.

§ 5. *Be it further enacted*, That the board of aldermen shall consist of three aldermen for each ward, and the board of common council shall consist of eight members, to be elected as hereinafter provided: *Provided*, One of the said common councilmen shall reside in each of the several wards.

Election of may-
or and council-
men.

Qualification of
voters.

Election of al-
dermen.

Qualification of
voters.

§ 6. *Be it further enacted*, That the mayor of the said city and the eight common councilmen shall be elected by ballot in general ticket, by the free white male inhabitants of said city, of or over the age of twenty-one years, who are citizens of the United States, and have resided within the city at least twelve months immediately preceding the election, and who have paid into the city treasury a tax within the last municipal year previous to the election, unless exempt by law from the payment of the same; and the aldermen aforesaid shall be elected by ballot by the citizens of their respective wards, who shall be respectively qualified as aforesaid; but no person shall be so eligible to the office of alderman, or qualified to vote for the same, unless he or they shall have been residents of the ward for at least twenty days immediately preceding the day of election.

Term of office of
mayor and coun-
cilmen.

§ 7. *Be it further enacted*, That the persons elected at the municipal election held in the city of Mobile on the first Monday of December, A. D. 1865, to fill the respective offices of mayor and common council of the city of Mobile, pursuant to an Ordinance of the State convention of 1865, shall hold their offices for the term of three years from the date of said election; and as a new ward, called the eighth ward, has been created, resulting from a division of the sixth into two wards, therefore, on the first Monday of

March, 1866, an election shall be held by the qualified voters of said city, in the manner prescribed by this Act, for one councilman to represent the eighth ward, whose term of office shall expire on the first Monday of December, 1868; and no general election shall be held hereafter for either of the offices of mayor and common council oftener than once in every three years; but that when a vacancy shall occur in the meantime in either or any of said offices, the same shall be filled in the manner now prescribed for the balance of the unexpired term for which such mayor or common councilman was elected, whose office shall be so vacant.

Vacancy, how filled

§ 8. *Be it further enacted*, That at the municipal election held in and for said city, on the first Monday of December, 1865, at which said election three aldermen for each of the then seven wards were elected by the qualified voters thereof, respectively, pursuant to an Ordinance of the State convention of 1865, one of which said aldermen for each ward shall hold his office for the term of one year, one for the term of two years, and one for the term of three years, from the date of said election in 1865, and no longer; now, therefore, as a new ward, called the eighth ward, has been created by this Act, resulting from a division of the sixth ward into two wards, and as one of the aldermen so elected resides within the limits of the eighth ward, and two reside within the sixth ward, as defined herein, and in order that said wards may be represented as contemplated by this Charter, there shall be held on the first Monday of March, A. D. 1866, an election by the qualified voters thereof, for one alderman for the sixth ward, and two aldermen for the eighth ward, whose terms of office shall expire on the first Monday in December of each municipal year, as they may draw by lot the long or short terms, respectively, and that on the first day of November, 1866, if not already done, the said three aldermen so elected for each ward shall, in the presence of the board of aldermen, which shall be organized as now required, so far as may be, and in such manner as said board may direct, determine by lot which one of said three aldermen for each ward shall hold his office for one, and which for two, and which for three years, so that thereafter, commencing at the next election, in 1866, one alderman from each ward, and no more, shall

Election of aldermen.

Draw lots.

One alderman elected annually	be annually elected at the said municipal election in each year, who shall hold his office for the term of three years, and no longer; all vacancies in said board of aldermen, by death or otherwise, to be filled in the manner pointed out by the laws now in force, and for the unexpired time of the persons whose office shall become vacant.
Vacancy, how filled.	
Shall appoint three inspectors	§ 9. <i>Be it further enacted</i> , That the mayor, aldermen and common council for the time being shall appoint three inspectors for each ward in the city, to preside at the election for mayor, aldermen and common council; the certificate of which inspectors shall state the number of votes taken, and who are highest on the list, and said certificate being filed with the clerk of the said city of Mobile, shall be evidence as to those who are elected mayor, aldermen and common councilmen for said city; and within three days after the said or any subsequent election, each person who shall be elected shall take the following oath, viz: "I do solemnly swear (or affirm) that I will truly and faithfully execute the duties of mayor, alderman or common councilman (as the case may be) as prescribed in this Act, and that I will not, during my continuance in office, be directly or indirectly engaged in any contract with the corporation, or sell to or buy from it any estate, interest or matter whatever, and all contracts entered into in which any officer or member of the corporation other than for efficient members, either directly or indirectly, shall be void."
Certificate of election.	
Oath of office.	
Contracts to be void.	
Notice of election given by mayor.	§ 10. <i>Be it further enacted</i> , That the mayor for the time being shall give ten days' public notice, by advertising in some public newspaper printed in the said city of Mobile, or by posting up such notice in two or more of the most public places within said city, of the time and place of holding said elections; which elections must be holden in the several wards of the said city, and the said inspectors or judges shall have full power and authority to keep order at the place of holding said elections, and to commit to the jail of the county for a time not exceeding forty-eight hours any person who shall attempt to make, or make, any disturbance at the place of holding the said elections so as to interfere with the peaceable and orderly conducting of said elections, and the sheriff of the county of Mobile, and all police officers of the city of Mobile, are hereby commanded to obey and carry into execution all process issued by the
Inspectors have power to keep peace.	
Duty of sheriff and city police.	

said judges or inspectors as aforesaid, in pursuance of this Act; and if there should be an equal number of votes between any two or more persons who shall have been voted for at said election, and the choice of mayor, aldermen or common councilmen, or either of them, is prevented thereby, the said judges or inspectors shall declare the fact, and shall issue notice in the same manner and form as is required by this Act for the regular election, for a new election to fill the vacancy occasioned by those having an equal number of votes.

§ 11. *Be it further enacted*, That the polls for said election of mayor, aldermen and common councilmen shall be kept open from eight o'clock in the morning until four o'clock in the evening, and no longer, for the reception of ballots, and on closing the polls the judges shall proceed immediately, and in a public manner, to count the ballots, and when the certificate of the said judges or inspectors shall be filed as aforesaid, the clerk shall immediately give to each person a certificate of his having been duly elected.

Polls to be kept open from 8 A. M. to 4 P. M.

Clerk to give notice of election.

§ 12. *Be it further enacted*, That if any municipal election shall be contested in the city of Mobile, it shall be before the judge of the circuit court of the Mobile district, or judge of the city court of Mobile. Testimony may be taken by a justice of the peace or before a commissioner appointed by the judge trying the cause for that purpose, or may cause the witnesses to come before him and depose in the case.

How election contested.

How testimony taken.

§ 13. *Be it further enacted*, That the ballots at the several polls or precincts in the city of Mobile shall be carefully sealed up without examination after said election, and shall be by the managers deposited with the city clerk, who shall preserve the same for fifteen days, and then, if there be no contest, said city clerk shall cause the same to be burned in his presence, but in the event of a contest they shall be delivered to the judge trying the same.

Ballots sealed up and deposited with clerk.

§ 14. *Be it further enacted*, That the party contesting shall file his application and give notice of said contest to the judge before whom he wishes said contest tried, and to the person or persons whose election is so contested, within fifteen days next succeeding said election.

How notice given.

§ 15. *Be it further enacted*, That when testimony is taken under this Act, the opposite party shall have two days'

previous notice of time and place, and the party taking depositions shall receive fees as follows, to wit: For each hundred words fifteen cents, for each notice or certificate to the officer serving notices or subpoenas, each fifty cents, to be paid by the party at whose instance the said service is performed.

§ 16. *Be it further enacted*, That after said testimony is completed, said judge trying the cause shall examine the poll list and ballots, and pronounce judgment in the case according to the facts developed.

§ 17. *Be it further enacted*, That the board of aldermen shall select one of their own body as a presiding officer; and it shall be the duty of said board to convene once in each week, and the board of common council shall elect one of their own body to preside over them, which board shall assemble weekly (but not on the same day that the board of aldermen convene).

§ 18. *Be it further enacted*, That the said boards of aldermen and common council shall severally be the judges of the election and qualification of their respective members (except so far as restricted by sections 12, 13, 14, 15, 16).

§ 19. *Be it further enacted*, That in case of the sickness or temporary absence of the mayor from the city, the duties of his office shall be performed by the president of the board of common council, and in case of the absence, inability or refusal of the latter to attend to the said duties, the same shall be performed by the president of the board of aldermen; and in case of the death of the mayor, his resignation, or inability to discharge the duties of his office, or absence from the city for two consecutive months without

permission of both boards, his office shall be declared vacant by said boards, who, after giving five days' public

notice, shall proceed in joint convention to elect his successor, and until such successor is elected and qualified, all the duties of the mayor, as defined in this charter, shall be performed by the president of the board of common council, and in the case of his absence, inability, or refusal, then by the president of the board of aldermen; and the person so acting shall receive the salary of the mayor for the time being. The receiving of salary shall not apply to the person acting mayor in the case of sickness or temporary absence of the mayor.

§ 20. *Be it further enacted*, That no person residing out of the corporate limits of said city shall be eligible to the office of mayor of said city; and if the mayor shall, after his election, remove his domicile out of the limits, he shall thereby forfeit and vacate his office.

Mayor shall be resident of city.

§ 21. *Be it further enacted*, That in case any member of either of the boards of aldermen or common council shall die, resign, be unable to discharge the duties of his or their office or offices, or be absent from the city for two consecutive months without leave of the board of which he is a member, or if any alderman or aldermen shall, after his or their election, remove from the ward for which he or they were elected, the seat of any such member or members of either of said boards shall be declared vacant, and the said vacancy filled by the board in which it occurs, of which five days' public notice shall be given.

Causes for declaring seats vacant

Vacancies, how filled

§ 22. *Be it further enacted*, That the said mayor, aldermen and common council shall have full power to elect or appoint, in a convention to consist of the mayor and the said two boards, all officers and agents which may be deemed necessary for the purpose of said corporation, and the compensation, duties, and security for the faithful performance of the duties of said officers and agents shall be fixed by the said mayor, aldermen and common council, and the said officers and agents may be removed and displaced at the pleasure of said convention, and the compensation of such officers and agents shall cease from the time of such displacement or removal.

Convention may appoint and remove officers and agents.

Compensation.

§ 23. *Be it further enacted*, That the terms of office of all officers of said city, annually elected, shall commence on the first day of January of each year, and continue one year, and until their successors shall be duly elected and qualified.

Terms of office, where annually elected.

§ 24. *Be it further enacted*, That the treasurer for the time being shall perform the duties of clerk of the common council.

Treasurer to be clerk of council

§ 25. *Be it further enacted*, That there shall be an officer called the city tax assessor, and that the city tax assessor elected on the 9th day of January, 1866, in and for the city of Mobile, shall hold his office for the term of three years from the first day of January, 1866, except when a vacancy shall occur in the said office of assessor, by death, resigna-

Tax assessor elected.

Vacancy, how filled.

tion, or removal, in which event an assessor shall be elected, who shall hold his office from the date of his election to fill such vacancy for the unexpired term of his predecessor, and that said assessor shall be elected by the mayor, aldermen and common council of said city every three years thereafter; that said assessor shall hold his office in the municipal buildings of said city, devote his entire time and attention to the duties appertaining to his said office of assessor, and that the books and papers relating to his said office shall at all proper times be kept open to public inspection; that once in each year, under such regulations and in such periods of time as the said corporate authorities may from time to time ordain and appoint, the said assessor shall make an assessment of all the property in said city liable to be assessed, and that for the performance of the duties of his said office the said assessor shall be compensated in such manner, and to such an extent, as the said corporate authorities may from time to time ordain and establish, but in no case to be changed during the official term of any assessor.

Office in municipal buildings.

Duties and compensation.

City engineer elected.

Vacancies, how filled.

Shall keep his office in municipal buildings.

His duties.

§ 26. *Be it further enacted*, That there shall be an officer called city engineer, and that the city engineer elected on the 9th day of January, 1866, in and for the city of Mobile, shall hold his office for the term of three years from the first day of January, 1866, except when a vacancy shall occur in the said office of city engineer by death, resignation, or removal, in which event, a city engineer shall be elected, who shall hold his office from the date of his election to fill said vacancy for the unexpired term of his predecessor, and the said engineer shall be elected by the mayor, aldermen and common council of said city every three years thereafter; he shall keep his office in the municipal buildings, together with all surveys, field notes, maps, charts, diagrams, etc., and all papers, etc., memoranda relating to his said office of city engineer which may be necessary or proper for a perfect understanding of his acts in his said office, all of which shall be entered by him in suitable books, to be provided by and to be the property of the city, which books shall be at all times open to public inspection, under such regulations as the corporate authorities shall from time to time prescribe. The foregoing duties to be additional to those required under existing laws

and ordinances, for all of which said city engineer shall receive such annual or other compensation as the corporate authorities shall allow.

§ 27. *Be it further enacted*, That the assessor and collector of taxes of said city shall be freeholders within the corporate limits of said city. Assessor and tax collector to be freeholders in the city.

§ 28. *Be it further enacted*, That inspectors may be appointed, their duties prescribed, their fees fixed, and inspection regulations adopted by the city authorities of Mobile, for inspection of staves, tobacco, pitch, tar, turpentine, rosin, fish, flour, salt, and oil, within the limits of the city. Inspection.

§ 29. *Be it further enacted*, That the boards of aldermen and common council, respectively, shall have power to hold and to adjourn their meetings from time to time, unless sooner called together by a written notice from the mayor, or the presidents of their respective boards, designating the time and place of holding such meetings; they shall each keep a journal of their proceedings, and shall enter the yeas and nays on any question, resolve or ordinance, at the request of any member, and their deliberations shall be public. Meetings of boards regulated.

§ 30. *Be it further enacted*, That the said mayor, aldermen and common council shall have full power and authority to pass all by-laws and ordinances to regulate the stationary anchorage and moorings of vessels within their jurisdiction; Authority to regulate mooring, &c., of vessels.

To prevent and remove nuisances,

And to prevent the introduction of contagious or infectious diseases within the said city, by regulating the approach of vessels having sick on board, and the landing the sick, or of articles calculated to produce disease, and by providing one or more places for the reception of the sick, or by any other lawful means whatsoever; Prevent and remove nuisances. Prevent introduction of disease, how.

To establish night watches and patrols,

And to erect lamps;

Night-watches and patrols. Erect lamps.

To provide for licensing and regulating retailers of liquors within the limits of said corporation, and to fix the sum to be paid for the same, and annulling the same on good and sufficient complaint being made against any person holding such license; License, &c., retailers, and regulate. May revoke.

License and regulate hackneys, carriages, wagons, carts, drays and pawnbrokers.

To prevent gambling.
License and regulate theatrical and public amusements.
Regulate, &c., markets.
Rent stalls.
Two public stalls.
To prohibit the sale of meat, poultry, fish, or game, except at the market.

To erect and repair bridges.
To keep in repair streets, avenues, drains and sewers, &c.
To license chimney-sweepers, &c.

To establish fire wards and fire companies.
To sink wells and erect pumps in streets.
To impose and appropriate fines, penalties and forfeitures, for breach of by-laws and ordinances.
To prevent and extinguish fires.
To pull down or remove erections.
To erect hospitals, pest houses, work houses, houses of correction, penitentiary.
To levy and collect taxes therefor, and for all other purposes.

To regulate partition and other fences, &c.

To prevent nightly and other meetings, and disorderly assemblages of all persons.

May be confined to labor.

For the regulating hackney coaches, carriages, wagons, carts and drays, and for licensing the same,

And for the regulating of pawnbrokers within the said city;

To restrain or prohibit gambling,

And to provide for licensing and regulating theatrical and other public amusements within the city;

To establish and regulate markets, and to rent out the stalls in the same, saving and reserving, however, at least two stalls in each and every market for the use of country people who may attend the same with marketable supplies, and to prohibit the selling of meats, poultry, fish, or game, except at the public market or markets;

To erect and repair bridges, to keep in repair all necessary streets, avenues, drains and sewers, and to pass regulations necessary for the preservation of the same;

To provide for the licensing of chimney-sweepers, and regulating the sweeping of chimneys and fixing the rates thereof;

To establish and regulate fire wards and fire companies;

To sink wells and erect and repair pumps in the streets;

To impose and appropriate fines, penalties and forfeitures for the breach of their ordinances or by-laws;

To enact by-laws for the prevention and extinguishment of fires, and if necessary, to remove or pull down buildings or fences for the prevention of the spreading of the same;

To erect or establish hospitals or pest houses, work houses, houses of correction, penitentiary or other buildings for the use of the city, or to join with the county of Mobile in the erection of the same, and to have a joint control over the same with the public authorities of the county, and to levy and collect taxes, as prescribed by this Act, for defraying the expenses thereof, and all other necessary purposes;

To regulate partition and other fences; and to determine by whom the same shall be made and kept in repair;

To restrain and prohibit the nightly and other meetings or disorderly assemblies of all persons, and to punish for such offences by affixing penalties, not exceeding fifty dollars for any one offence, and in case of the inability of any such person to pay and satisfy said fine or penalty, and the costs thereon, to sentence such person to labor for said

city for such reasonable time, not exceeding six calendar months for any one offence, as may be deemed equivalent to such penalty and costs, which said labor shall be such as shall be designated by the said mayor, aldermen and common council: *Provided*, That the person so fined shall have a right to give a stay bond, with approved security, to pay said fine and costs within thirty days, and if they fail to pay the same within that time, then execution may issue against the obligors on said bond ;

How designated.
Shall have right to give bond to satisfy fine and costs.

To cause all vagrants, idle, disorderly or dangerous and suspicious persons, all persons of evil life or ill fame, and all such as have no visible means of support, or are likely to become chargeable to the city as paupers, or are found begging or drunk in or about the streets, or loitering in or about tippling houses, or who can show no reasonable cause of employment or business in the city, all who have no fixed place of residence or cannot give a good account of themselves, all who are grossly indecent in language or behavior publicly in the streets, and all public prostitutes, or such as lead a notoriously lewd or lascivious course of life, to give security for their good behavior for a reasonable time ; and to indemnify the city against any charge for their support, and in case of their inability or refusal to give such security, to cause them to be confined to labor for a limited time, not exceeding six calendar months, unless such security shall sooner be given, which said labor shall be designated by the said mayor, aldermen and common council, for the general benefit of the said city ; and that the labor so designated may be carried into effect, the said mayor, aldermen and common council shall have power to appoint a person or persons to take those so confined and sentenced to labor from their place of confinement to the place appointed for their working, and watch them while at labor, and return them before sundown to the place of confinement ; and if they shall be found afterwards offending, such security may again be required, and for want thereof, the like proceeding may again be had, from time to time, as often as may be necessary ;

To cause all vagrants, idle, disorderly or dangerous and suspicious persons, all of evil life, or who have no visible means of support, or are likely to become paupers, or found begging or drunk in or about the streets, or loitering about tippling houses, or show no reasonable course of business, or have no fixed place of residence, or cannot give a good account of themselves, or are grossly indecent in language or behavior publicly in the streets, and all public prostitutes, or of lewd or lascivious course of life, to give security. If unable to give security, to be confined to labor not exceeding six months. How labor designated and performed.

Repetition of offence to be dealt with as before.

To take care of, remove, preserve, designate, and regulate all burying grounds within the city ;

To establish and regulate all burying grounds.

To regulate weights and measures, appoint inspectors of lumber, fire-wood, flour, beef, pork, fish, and all other salt

To regulate weights and measures.

To appoint inspectors of lumber, fire-wood, flour, beef, pork, fish, and other salt provisions. To prevent fraud and imposition by gas companies, and to create office of inspector of gas metres. To pass all such resolutions, by-laws and ordinances as may be necessary. To establish and open ferries across Mobile river. To establish and keep open side-walks, drains and sewers.

Mayor and each of the aldermen and councilmen conservators of the peace.

Mayor's authority as to seamen

Mayor to see laws executed.

Hold court each day.

Shall report negligence, &c., of officers.

Shall lay alterations of laws before the boards, and suggestions.

Salary when fixed.

provisions whatsoever; and in order to prevent fraud and imposition by gas companies, power is hereby given to create the office of inspector of gas metres, and to define and regulate his powers and duties by ordinance; and to pass all such resolutions, by-laws and ordinances as they, or a majority of them, may deem requisite and necessary for the good government of the said city, not contrary to the laws of the State of Alabama.

§ 31. *Be it further enacted*, That the said mayor, aldermen and common council shall have full power and authority to establish ferries across the river Mobile, within the limits of said city, and regulate the rates of ferriage, to establish and keep open all sidewalks, drains and sewers, which they may deem necessary for the convenience or health of the citizens.

§ 32. *Be it further enacted*, That the mayor and each of the aldermen, and each member of the board of common council, shall be conservators of the peace in and for the city of Mobile, and shall have power to examine and commit, or discharge on bail, all persons charged with criminal offences, in the same manner as justices of the peace, but shall exercise no other judicial functions whatever, and shall not receive any fees or perquisites; and the mayor shall have authority concurrent with a justice of the peace to arrest and commit to prison deserting seamen and mariners from vessels in the merchant service, under the provisions of an Act passed at the fifth annual session of the general assembly, entitled "An Act in relation to seamen belonging to vessels in the merchant service."

§ 33. *Be it further enacted*, That it shall be the duty of the mayor to see that the laws of this corporation be duly executed, and he shall hold a court once in each day of the week (Sundays excepted) for the trial of all offenders against its laws and ordinances; he shall report the negligence, incapacity, or misconduct of any officer to the boards of aldermen and common council; he shall lay before said boards, from time to time, in writing, such alterations in the laws of the corporation, or measures for its good government or interest, as he may deem necessary and proper; and he shall receive such salary as shall be fixed by the two boards as soon as practicable after the municipal election held for said city in December of each and every year.

§ 34. *Be it further enacted*, That in case of invasion or insurrection, or when the peace and security of the city may require it, in the opinion of the mayor, he shall have power, and is hereby required, to call out the volunteer companies of the city in its defence.

In case of invasion or insurrection, mayor shall call out volunteer force.

§ 35. *Be it further enacted*, That the mayor shall, from time to time, appoint such a number of policemen to guard and protect the city as may be designated by the boards of aldermen and common council, and the policemen so appointed shall be subject to his control in the discharge of their duties, and may at any time be removed by him for any misconduct or neglect of duty, and may also be removed from office by a joint vote of two-thirds of the two boards of aldermen and common council assembled in joint convention.

Mayor shall appoint watchmen.

How removed.

May be removed by boards.

§ 36. *Be it further enacted*, That all ordinances and resolutions may originate in either board, but shall be passed by a majority of a quorum of each; a quorum for the transaction of business shall consist of not less than a majority of each board; every ordinance which shall have been passed by both boards shall be presented to the mayor for his approval and signature, and if he approves and signs the same, it shall become a law, and if he should not approve it, he shall return it, with his objections, to the board from whence it emanated, and at its next regular meeting, in case of his non-approval or failure to return as aforesaid, a vote of two-thirds of each board shall make it a law.

Ordinances and resolutions, how originated and how passed.

Mayor to approve or veto.

How acted on when vetoed.

§ 37. *Be it further enacted*, That the said mayor, aldermen and common council shall have power to lay taxes on the real and personal estate, auction sales and sales of merchandise, capital employed in business, and income, within said city, and a head tax upon all the male inhabitants over the age of twenty-one and under sixty. That the said tax upon the personal and real estate be laid in pursuance of an assessment and valuation of the said personal and real estate to be made by some discreet person thereto appointed as assessor by the said corporation, which tax shall be laid in the manner following; the said assessment or valuation, when completed, containing all the property as well as the names of the owners thereof, shall be lodged with the clerk of the corporation, and the mayor, aldermen and common

Power to levy taxes.

Assessment, how made.

Assessment open to public.	council shall assess so many cents on the dollar, making no distinction as to any persons, and which assessment or valuation, together with the names of the persons liable to taxation, with the tax laid thereon, shall be open for inspection to all and every person interested therein, and the said mayor, aldermen and common council shall give ten days' public notice in some newspaper printed within the limits of the city of Mobile that the said assessment or valuation, together with the tax laid thereon, is ready for inspection, and if any person shall be dissatisfied with said assessment or valuation, or tax laid thereon, he shall give notice to the mayor, aldermen and common council to alter said assessment or valuation, together with the tax assessed thereon, as to them shall seem meet, (witnesses shall be heard on oath to affix a proper valuation,) but their decision shall be final as to all questions or objections that may be brought before them in reference to the said assessment or valuation, and the tax assessed thereon as aforesaid; and after twenty days have elapsed from giving the notice that the said valuation or assessment, together with the tax assessed thereon, as aforesaid, are ready for public inspection, the said mayor shall issue his warrant, annexed to the tax list, to the collector of the corporation, containing a description of the real estate taxed, together with its valuation and the taxes assessed thereon, and also the amount of the personal property valued or assessed to each person, together with the tax assessed thereon, and the name of each person liable to a head tax, and the amount of such head tax laid: <i>Provided</i> , That each person liable to pay the tax upon sales at auction and sales of merchandise shall, once in every three months, to wit: on the first day of January, first day of April, first day of July, and first day of October, give in, under oath, the gross amount of sales of each three months from the first day of October, 1865, and each three months thereafter, to the city tax collector, whose duty it shall be to collect the tax so laid by the mayor, aldermen and common council; and upon the failure of any person to report such sales for the preceding quarter, then the mayor, aldermen and common council may provide and enforce such penalties as they may deem necessary for the enforcement and collection of such taxes:
Notice to be given.	
Objections.	
Head tax.	
Sales of merchandise, quarterly returns to be made to tax collector.	

And provided further, That no tax shall be laid upon sales under judicial proceedings, guardians', executors' and administrators' sales, and sales of property under the provisions of deeds for the security or payment of debt, but it is expressly understood that the duties of the tax collector, for the collection of sales of merchandise, shall in no wise relate to the sales of cotton.

Judicial sales excepted.

Sales of cotton excepted.

§ 38. *Be it further enacted,* That the taxes on real and personal property, and all other taxes and dues laid and assessed by the said mayor, aldermen and common council, shall have the force and effect of a judgment at law against the individual assessed with the same. It shall be the duty of the tax collector, after giving thirty days' notice in some public newspaper printed in the city of Mobile that the city taxes (or the particular tax or due, as the case may be,) are required to be paid to him on or before a certain day specified; if the same shall not be paid, to levy on the personal estate of the individual or corporation assessed, and to sell the same, or so much thereof as shall be sufficient to pay the tax assessed, and one dollar to the tax collector for making the levy and sale, and the sale shall be advertised for the space of ten days at the mayor's office.

Assessment shall have the effect of a judgment.

Tax collector's duty when taxes are not paid.

Shall levy and sell.

§ 39. *Be it further enacted,* That the tax collector may sell real or personal property for taxes without the necessity of exhausting the personal property before selling real estate, as required by law, either for city or special taxes of any kind.

Collector may sell before exhausting personal property.

§ 40. *Be it further enacted,* That no prosecution, suit, or claim whatever, pending or to be brought under existing laws, shall in any manner be affected, impaired or altered by the passage of this Act.

No proceeding, &c., to be affected by this Act, that is now existing.

§ 41. *Be it further enacted,* That if any real estate shall be assessed to unknown owners, or to persons who are known, and the taxes or dues assessed on them shall not be paid, and cannot be collected by a levy and sale of personal estate by the means provided herein, within sixty days from the time when the said taxes or dues are required to be paid, then the tax collector shall give notice in some newspaper printed in the city of Mobile, or by a printed sheet circulated therewith, and also kept for public inspection at the mayor's office, as shall be deemed most

Tax on property of unknown owners, how collected.

Advertisement and certificate.

expedient and least expensive to the city, of the lots and real estate on which the taxes are unpaid (describing the same by such numbers and abbreviations as will indicate the lot to be sold), and that he will at a certain time and place, named in the advertisement, proceed to sell such of the lots and lands, upon which the taxes and dues shall not be paid, or so much thereof as shall be sufficient to pay the same, and on the day appointed, or on such day as he may adjourn the sale, the tax collector shall proceed to sell any lot on which the taxes and dues shall not be paid, or so much thereof as will satisfy the tax, and one dollar as a fee for the advertisement and sale, and a certificate thereof.

Form of certificate of sale for taxes.

§ 42. *Be it further enacted*, That the tax collector shall give to the purchaser at such sale a certificate to the following effect: "I, ———, tax collector of the city of Mobile, do hereby certify that the city taxes for the year 18—, (or the particular tax or assessment, as the case may be,) being due and unpaid on a lot of land in said city, bounded and described as follows: (here shall be inserted a description of the lot by metes and bounds) I have this day sold the same (or such undivided fractional part as he may sell) to ———, who has paid the taxes thereon, amounting to ——— dollars, including my fee of one dollar for the said sale, advertising, and this certificate, and by virtue of the authority to me given by law, I authorize the said ———, and his assigns, to hold the said premises until the same shall be redeemed according to law. Witness my hand, and seal of the corporation, this ——— day of ———, 18—." And the mayor shall cause the seal of the city to be affixed to the said certificate. The tax collector is hereby empowered, and it shall be his duty, to put the purchaser in possession of the premises sold to him within thirty days after the sealing of the certificate, which shall be evidence of a right to possess the premises therein specified and to retain the possession until the same shall be redeemed in the manner hereinafter provided.

Collector shall put purchaser in possession.

Clerk shall keep record of certificate.

§ 43. *Be it further enacted*, That it shall be the duty of the mayor to cause the clerk of the corporation, or such other person as may be charged with the duties, to record each of the said certificates in a well bound book to be kept for that purpose, before he shall permit the seal of

the city to be affixed, and no other fees or charges shall be received for advertising, said certificate, seal and record, than is prescribed by this Act.

§ 44. *Be it further enacted*, That any lot thus sold may be redeemed within twelve months from the day of sale, by any person claiming title, who will deposit with the treasurer of the city of Mobile, for the use of the purchaser, the amount of the bid and fees so paid and twenty-five per cent. on the same, and thereupon the title created by the certificate aforesaid shall wholly cease and determine, and the purchaser, and all others claiming under him, shall relinquish the possession, and shall, after notice of the said redemption, be deemed unlawful and forcible detainers of said lot, and liable as such to any suit or action at the instance of any one entitled to the possession; and the said lot may in like manner be redeemed by any person claiming title at any time after twelve months and within five years from the time of sale, by paying into the office of the city treasurer, as before provided, the amount of the taxes, fees, and interest thereon, at the rate of twenty-five per cent. per annum from the day of sale, and on such payment being made, the title created by the certificate shall cease and determine on the first day of November next after the said payment, and the purchaser, and all others claiming under him, shall relinquish the possession, and, after notice of the said redemption, shall be deemed unlawful and forcible detainers, and as such liable to any suit or action at the instance of any one entitled to the possession.

How property sold for taxes may be redeemed.

Failing to deliver, to be held guilty of unlawful detainer.

§ 45. *Be it further enacted*, That it shall be the duty of the treasurer of the city of Mobile to give any person who shall redeem any lot sold for taxes, a certificate to the following effect: "I, —, treasurer of the city of Mobile, do hereby certify that —, claiming title to a certain lot in the city of Mobile, known and described as follows: (here shall be a marked description of the lot by metes and bounds) has this day paid into my office, for the use of the purchaser, the sum of — dollars, being the amount for which said lot was sold, the fees thereon, and twenty-five per cent. on the same, (or interest on the same at the rate of twenty-five per cent. per annum, as the case may be,) the said lot is therefore redeemed. Witness my hand and

Form of certificate to be given by treasurer to person redeeming.

Certificate to be recorded.

Treasurer's fee.

How tax title may be perfected.

seal at the city of Mobile, this — day of —, 18—;” and it shall be the duty of the mayor to cause the seal of the city to be affixed to the certificate, which shall be recorded in the same book as the certificates issued by the tax collector; and the treasurer shall be entitled to receive a fee of one dollar for the said certificate.

§ 46. *Be it further enacted*, That if the lot so sold shall not be redeemed within the period of five years from the day of sale, the purchaser, his heirs or assigns, may perfect the title to the lot purchased by publishing the certificate issued by the tax collector for the term of three months in some newspaper printed in the city of Mobile, with the following notice subjoined: “All persons claiming interest in the above described lot are required to exhibit their claims by commencing suit against me in the circuit court of Mobile county, within six months from the date of this advertisement, or their claims will be forever barred;” and if no suit is commenced within the said term of six months, the title under the certificate shall be complete and perfect, and if suit is commenced within six months after the publication of such notice, no damages shall be recovered, nor shall a writ of possession issue in the event of a recovery, unless the plaintiff shall pay the taxes due on the same, and fees and interest at the rate of twenty-five per cent. per annum on the same, and the cost of the advertisement, to be adjudged by the court, on the suggestion of the defendant: *Provided, however*, That no estate of any infant, feme covert, or insane person, shall be barred if they commence their action within three years after the removal of their disability to sue.

Certificate is conclusive evidence.

Act remedial.

§ 47. *Be it further enacted*, That the certificate aforesaid shall be conclusive evidence of the regularity of all previous proceedings, and this Act shall be construed as a remedial Act.

Collector shall be charged with all the assessment.
How relieved.

§ 48. *Be it further enacted*, That the tax collector shall be charged with and accountable for the whole amount of the assessed taxes for each year, and he shall only discharge himself from such accountability by showing an account of the entire insolvency of the persons assessed, and by showing that the amount of his account cannot be collected by the exercise of the means given by the foregoing sections,

§ 49. *Be it further enacted*, That such part or portion of the assessed taxes as cannot be collected by the means before stated, shall continue a lien on the property assessed until paid, and the tax collector shall be authorized from time to time to offer and expose to sale, under the foregoing provisions, such lots or other property as shall not have the tax paid thereon, and the same certificates shall be given in cases of any subsequent sale, and similar proceedings shall be had thereon.

Taxes not collected shall remain a lien.

§ 50. *Be it further enacted*, That if any purchaser of a lot under a sale by a tax collector shall fail or omit to pay any subsequent tax or assessment, he shall forfeit all right under his certificate, and shall be bound to relinquish the possession, and if the said lot shall be subsequently sold for taxes, the person so holding under the first sale shall, after notice, be deemed guilty of unlawful and forcible detainer, and shall be liable to any suit or action at the instance of any person entitled to its possession.

Purchaser at tax sale, failing to pay taxes, shall forfeit his right, and relinquish the property.

Failing to do so, shall be guilty of unlawful detainer.

§ 51. *Be it further enacted*, That the corporate authorities aforesaid shall have power to assess and collect a tax on all property sold upon the wharves of the city of Mobile, or on shipboard, or otherwise, before the same shall be stored: *Provided*, This section shall not be construed to allow any assessment on cotton, or other staple production, imported into said city from the interior of the States of Alabama or Mississippi.

Power to assess and collect taxes on all property sold on the wharves, on shipboard, or otherwise, before stored. Cotton and staple productions of Alabama and Mississippi excepted.

§ 52. *Be it further enacted*, That the corporate authorities aforesaid shall have authority to assess a tax on any public balls, shows, exhibitions, theatrical entertainments, billiard tables, nine-pin alleys, ten-pin alleys, bowling alleys, and any and every other public game or public place of amusement, and the amount of taxes provided for by this section shall be fixed and determined by the mayor and the presiding officers of the boards of aldermen and common council, as hereinbefore provided.

Tax on all public exhibitions, games, &c.

§ 53. *Be it further enacted*, That full power and authority is hereby given to the corporate authorities aforesaid to establish such rules and regulations for the collections of the dues, taxes, and revenues hereby provided, and to use all lawful process and proceedings which they may deem requisite to enforce the same, and also to impose such fine

Power, and collection of dues.

or penalty for the violation of any provision of this Act, as they may deem requisite, and collect the same as other fines are collected.

Tax on itinerant
or transient
merchants, and
vessels.

§ 54. *Be it further enacted*, That the corporate authorities shall have power to levy a tax on itinerant or transient merchants, steamboats, or other vessels, which shall remain in said corporation less than one year, which taxes shall be laid and collected at any time the corporate authorities may direct.

Public faith,
how pledged.

§ 55. *Be it further enacted*, That in no case shall the faith of the city be pledged for the payment of money unless it be by a vote of two-thirds of both boards and the sanction of the mayor of the city.

Assessors shall
make oath
thereof.

§ 56. *Be it further enacted*, That the corporate authorities of the city of Mobile shall have the authority to assess and collect from all persons or corporations trading or carrying on any business, trade, or profession, by an agent or otherwise, within the limits of said city, a license tax, which shall be assessed in three grades; the amount of said license tax for each grade shall be fixed by ordinance, from time to time, as may be deemed necessary, and it shall be the duty of the city assessor to assess and collect, under such ordinance, from the person subject to said license tax, according to their true and proper grades, respectively, and according to his best judgment, with a just regard to the extent, amount, and profits of the trade, business, or profession of the person so assessed; and no person shall be required to pay more than one of said grades in any one year, nor shall more than one license tax under this Act be assessed against the partners of any firm trading or carrying on any business of said firm, where the firm is assessed: *Provided*, That nothing in this Act shall be construed to apply to or affect licenses granted, or which may be granted, to retailers of liquor, keepers of taverns, billiard tables, nine-pin alleys, ten-pin alleys, circus, or other theatrical exhibitions for public amusement, auction sales, or sales of merchandise, capital or income, nor shall any tax assessed or paid on real or personal property, or taxes on any other property, by any party, operate as an exemption from such license tax, as herein provided, and all the provisions of the statutes heretofore passed conflicting with the provisions of this section are hereby

Three grades.

Duty of asses-
sor.

Proviso not to
extend to
licenses for re-
tailers, &c.

repealed: *Provided further*, That this Act shall not affect any mechanic who employs no capital, but conducts his trade solely by his own skill and attention, without the aid of employees. Proviso not to affect mechanics who have no employees.

§ 57. *Be it further enacted*, That in all cases in which the assessor for city taxes of the city of Mobile shall be authorized by law to assess the value of real or personal estate in said city, the only rule of appraisement shall be the cash value of the property so assessed; and the assessor shall, in all such cases of assessment, make oath or affirmation before the mayor of said city, or some lawfully qualified justice of the peace, that he, the said assessor, has valued and set in the tax list the property so assessed by him, according to his best judgment, at its value in money at the time of the assessment, which oath or affirmation shall be written at the end of every such assessment list, and shall be subscribed by the assessor making such assessment. Assessment shall be for cash valuation.
Assessor shall make oath thereof.

§ 58. *Be it further enacted*, That it shall be lawful for the mayor, aldermen and common council of the city of Mobile to pave, shell, or plank any street or streets, part or parts of a street, within the limits of said city, whenever they deem it expedient, at its own expense, or it may be done upon the written application of the owners of at least one-third in quantity of the real estate located on each side of the street or streets, part or parts of a street, which it may be proposed to have thus improved; which said paving, shelling, or planking shall be done at the expense of the owners of the property located upon any street or part of a street so improved, in such a proportion as that each piece of said property shall pay of the expense of any such improvement a fractional share thereof equal to its front on any such street or parts of a street so improved; and after such improvement is complete, for the purpose of ascertaining the proportion of said expenses to be paid by the owners of such property, it is hereby made the duty of the city engineer and the mayor of said city to certify in writing the proper amount due from each owner, or piece of property whose owner is unknown, to the tax collector of said city, which amounts, so certified, shall be respectively levied on each piece of said property, and shall be collected by said corporation in like manner as the taxes Powers of mayor, &c.
May pave, shell, or plank any street.
How made.
Duty of mayor and city engineer.
Duty of tax collector.

on real estate are authorized to be collected under the provisions of this Charter; and when so collected the said tax collector shall pay the same to the city treasurer.

Power to purchase and pay for real estate.

§ 59. *Be it further enacted*, That the said corporation shall have full power and authority to purchase, and provide for payment of the same, all such real estate and personal property as may, from time to time, be deemed necessary and proper for the use, convenience, and improvement of said corporation; and full power and authority is also given to construct and erect water works, and gas works, for the purpose of furnishing water and light to the inhabitants of said city.

Power to erect water works and gas works.

Powers of mayor and aldermen as to wharves.

§ 60. *Be it further enacted*, That in order to carry out the system of wharfage in the city of Mobile herein provided for, and to establish dockage charges on vessels, and charges on produce and merchandise, the mayor, aldermen and common council of the city of Mobile shall have power and authority to obtain, by contract or purchase, the property in, or the control of, the wharves and wharf property of the city of Mobile, so far as the same may be practicable, and shall have power, if necessary, to issue city bonds bearing interest for the purchase of the same.

To appoint committee on wharves.

§ 61. *Be it further enacted*, That in order to accomplish said purpose, if found practicable, the said corporation of Mobile shall be authorized to appoint, in such mode and manner as it may provide, a committee of its own members, who shall be charged, under the control and supervision of the said corporation, with the carrying into effect of said wharf arrangement, with power to purchase, contract for, arrange and compromise in the name and behalf of the city, with all owners of wharves and wharf property, and to make all suitable agreements to accomplish the object aforesaid, so far as the same may be found practicable and expedient, under such ordinances and regulations as said corporation may from time to time prescribe.

To raise revenue by establishing rates of dockage on vessels, &c.

§ 62. *Be it further enacted*, That said corporation shall have power to raise a revenue from such wharves and docks as may be under the control of the said corporation, by establishing and collecting a rate of dockage and wharf charges, to be paid by all persons receiving and shipping merchandise and other property, and by all ships, vessels, steamboats, steamships, and crafts of all descriptions,

trading to, at, and from the port of Mobile, the bay of Mobile, and the rivers and streams emptying into the same, all of which shall be sanctioned by proper ordinances of said city.

§ 63. *Be it further enacted*, That said corporation shall have power to appoint a proper person as superintendent of wharves, whose duty it shall be to collect and pay out all moneys, under the control and direction of said committee, to keep said wharves and docks in repair, and attend generally to the execution of the orders of said committee. Said superintendent shall give bond, payable to the corporate authorities of the city of Mobile, in such sum as the corporation may require, conditioned for the faithful discharge of the duties of his office; and the said corporation shall also appoint all such clerks and agents as may be needed, the compensation of all of which, as well as that of the superintendent, shall be fixed by the corporate authorities.

To appoint superintendent of wharves; his duties, &c.

Shall give bond.

Power to appoint all clerks and agents necessary.

§ 64. *Be it further enacted*, That in order to enable the corporate authorities of the city of Mobile to carry into full effect the arrangement contemplated in this Act, said corporate authorities shall have power to levy a special tax on the real and personal estate, and all other property liable to taxation in the city, which tax shall be collected by the city tax collector, under such powers, rules and regulations, as are provided by law for the collection of other city taxes, and paid over by him as fast as collected into the treasury of said corporation; and it shall be the duty of the said corporation to appropriate the money thus received to the building of wharves over such slips as are now, or may hereafter become, the property of the city, or in the construction of a levee or levees, under such regulations and upon such plans as may be prescribed by the city authorities, and in no case or event shall the money thus collected be appropriated to any other use or purpose whatever.

Power to levy special tax for wharf purposes

§ 65. *Be it further enacted*, That the financial year shall commence on the first day of January.

Financial year 1st January.

§ 66. *Be it further enacted*, That the mayor and aldermen and common councilmen of the city of Mobile shall, at the annual convention for the election of officers, elect four master mechanics of the city of Mobile to be measurers

Mayor and aldermen to elect committee of mechanics.

and estimators of work, and the said four shall be called the Committee of Master Mechanics of the city of Mobile.

A difference concerning work to be referred to the committee.

§ 67. *Be it further enacted*, That whenever any difference arises between persons interested in any work done to or on any building within the city of Mobile concerning said work, whether the same be as to quantity or quality of the work, the said difference shall be, at the suggestion of either of the parties interested, referred to the said committee of master mechanics, in manner and form herein-after provided.

Mode of proceeding.

§ 68. *Be it further enacted*, That any person or persons wishing to avail him or themselves of the privileges of this Act, shall give notice in writing to the said committee that a difference has arisen between himself and another, or others, touching the quantity of work done or the quality thereof (as the case may be), on any building or buildings (describing the same), whereupon it shall be the duty of the said committee, or a majority thereof, to give notice in writing to all parties interested, if the same be practicable, and if not practicable, public notice in a newspaper printed in the city of Mobile, that they intend, at a certain time and place, to be mentioned in said notice—the time being not less than two nor more than ten days from the service or appearance of said notice—to proceed to measure the quantity, or estimate the quality (as the case may be) of such work, and at the same time and place so appointed the said committee, or a majority thereof, shall proceed to measure and estimate as aforesaid, and shall thereupon give to the party at whose instance the same was done, and to such others as may require it, a certificate setting forth their doings in the premises; and the said certificate, under the proper hands and seals of the said committee, or a majority thereof, shall be held and deemed in any court in this State evidence as to the quantity or quality of the work in question, and also as to any notice required by this Act: *Provided*, That nothing contained in this Act shall prevent any person who may feel himself aggrieved by any such survey from his right of appeal.

Proviso.

Work not faithfully done.

§ 69. *Be it further enacted*, That with regard to the quality of any work done, as aforesaid, the said committee shall, when it shall seem to them, or a majority of them, that the same has not been done in a workmanlike manner,

barely certify the per centage that shall be deducted in consequence thereof.

§ 70. *Be it further enacted*, That any vacancy or vacancies which may occur by death, resignation, absence of sixty days or removal from the city, or refusal to act, shall be filled by the mayor, aldermen and common council as other vacancies are filled. Vacancies, how filled.

§ 71. *Be it further enacted*, That the said committee shall be entitled to such compensation as the mayor, aldermen and common council shall from time to time establish by ordinance, which compensation the parties interested in said work shall pay, share and share alike. Compensation.

§ 72. *Be it further enacted*, That all suits brought by said committee for the recovery of fees, shall be in the name of the committee of mechanics of Mobile. Recovery of fees.

§ 73. *Be it further enacted*, That every member of said committee shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath faithfully and impartially to discharge the duties of his office so long as he may continue therein, which oath shall be filed in the office of the clerk of the city of Mobile. Oath of office.

§ 74. *Be it further enacted*, That the mayor, aldermen and common council of said city shall have power and authority, concurrent with the probate court and overseers of the poor of this State, to provide for the indigent, lame, blind, and others not able to maintain themselves within said city, and also to bind out as apprentices such orphans and poor children within the limits of said city as, in the opinion of the said mayor, aldermen and common council, may require it, in the same manner and under the same regulations as the probate court and overseers of the poor now do, and require from the masters of such persons that they engage in a covenant, entered into with the said mayor, aldermen and common council, that they will provide for such apprentices such food, clothing, instruction, and education as the said mayor, aldermen and common council may require, the same to be specified in such covenant. Mayor and aldermen to have concurrent power with county court in reference to the poor, &c.

§ 75. *Be it further enacted*, That there shall be appointed by the mayor, the president of the board of aldermen, and the president of the board of common council of the Port wardens, how appointed.

city of Mobile, on the commencement of each municipal year, five persons, who shall be denominated port wardens, one of whom shall be designated as and shall serve as harbor master, all of whom shall devote their whole time to the discharge of the duties required of them by this Act, and for any refusal or neglect thereof, or for improper conduct in the discharge of their duties, the said mayor and the president of the boards of aldermen and common council are hereby authorized to remove them, one or all, and to appoint others in their stead.

Shall keep records.

§ 76. *Be it further enacted*, That the said harbor master and wardens shall have an office in the city of Mobile, in which shall be kept, for the inspection of all persons therein interested, in a book or books to be provided for that purpose, a full and complete record of all their official acts.

Duty of harbor master to regulate ships, boats, &c.

§ 77. *Be it further enacted*, That it shall be the duty of the harbor master to regulate and station all ships and vessels arriving within the bay and corporate limits of the city of Mobile, and from time to time to remove such ships or vessels as are not employed in receiving or discharging their cargoes, to make room for such others as require to be moored immediately—accommodating them for the purpose of receiving or discharging cargo; and as to the fact of their being fairly and *bona fide* employed in receiving or discharging cargo, the said harbor master is hereby constituted sole judge; and the said harbor master shall have authority to require masters and others having charge of ships and vessels made fast to any of the wharves, to so adjust their spars that they will not interfere with other vessels, or project over any of the streets in said city, and shall also have authority to determine how far and in what instances it is the duty of masters and others having charge of ships and vessels to accommodate each other in

To adjust their spars.

Penalty for failing or refusing to obey.

their respective situations; and if any master or other person having charge of any ship or vessel shall resist or oppose the harbor master in the execution of the duties of his office, such master or other person shall be fined for every such offence a sum not exceeding fifty dollars, to be imposed by the mayor, and collected as other fines, and all such fines shall be paid into the treasury of the city of

Mobile; and the said harbor master, in case of sickness or temporary absence, shall have power to appoint one of the wardens his deputy, who shall be invested with all the powers conferred by this Act on the harbor master.

In case of sickness or absence of harbor master, one of wardens to act.

§ 78. *Be it further enacted*, That it shall be the duty of the said harbor master and wardens, or any one of them, on application being made to them for the purpose, to inspect and be present at the opening of the hatches of all vessels arriving within the bay and corporate limits of the city of Mobile, and to survey the storage of their cargoes; and in making record, as aforesaid, of such inspection of hatches, they shall state whether they were properly covered and secured, and of cargo, they shall designate every package of merchandise surveyed by marks and numbers, and if such package or packages have appearances of being damaged, they shall state how such package appeared to have received damage.

Duties of harbor master and wardens to be present at opening hatches, survey, inspect, &c., and make record of.

§ 79. *Be it further enacted*, That it shall be the duty of the said harbor master and wardens, or any two of them, when applied to for that purpose, to inspect all damaged cotton or other merchandise arriving in the bay and city of Mobile, and to attend and direct the sale thereof at public auction, if in their opinion the damage thereto is sufficient to justify its sale, and the owner or consignee thereof orders it sold under their direction, and to give a certificate of such survey, and of the correctness of the sales, under their hands and official seal: *Provided*, That they shall direct and certify no sale of damaged cotton or other merchandise at public auction, unless forty-eight hours' notice of the time and place of such sale or sales has been given in one of the newspapers of the city of Mobile.

To inspect cotton and merchandise.

To attend and direct sale of damaged goods, &c., at auction.

Shall give certificate.

48 hours' notice to be given.

§ 80. *Be it further enacted*, That the said harbor master and wardens, or any two of them, when called upon by the master, owner or consignee to survey any ship or vessel, shall have power to employ a carpenter or carpenters to open the ceiling, strip the sheathing, bore the timbers, and perform such other work as shall be necessary to enable them to make a correct survey, and to employ laborers to move, open, cooper, or otherwise arrange cotton or other

To survey vessels, and employ carpenter, if proper to do so, also laborers.

At the expense of owner.	merchandise they may survey, the expense of all which shall be paid by the owner, master or consignee of such ships, or vessels, or cotton, or other merchandise.
Fees for survey	§ 81. <i>Be it further enacted</i> , That for the survey to be performed by the said harbor master and port wardens by virtue of this Act, there shall be paid by the owner, master or consignee of any vessel or cargo, the following fees, to wit: For every ship or vessel that may come within the bay and corporate limits of the city of Mobile and load, discharge, or make fast to any of the wharves in said city, at and after the rate of three cents per ton, to be computed upon the tonnage expressed in the register or enrollment of such ship or vessel; for every survey of the hatches or of the storage of the cargo of any ship or vessel, three dollars; for every survey of damaged cotton or other merchandise, ten dollars; for every survey of any ship or vessel, ten dollars; and for attending, directing, and certifying the sales of damaged cotton or other merchandise, as required by this Act, they shall be entitled to the following compensation, to wit: On sums of two hundred dollars and under, five per cent.; over two hundred and not exceeding five hundred, two per cent.; over five hundred and not exceeding one thousand dollars, one per cent.; and over one thousand dollars, one-quarter of one per cent:
For sales and certificate.	<i>Provided</i> , That the foregoing charges of three cents per ton shall not be paid on flatboats, and that it shall not be required more than once in each year from packets and regular traders between New Orleans and Mobile, and Pensacola and Mobile, and American steamers engaged as regular packets to Mobile, and from steamboats and barges employed on the rivers that flow into Mobile bay: <i>And provided further</i> , That the number of such port wardens, their fees and rates of compensation, in the port and bay of Mobile, may be changed by said corporate authorities, from time to time, as they may deem necessary and expedient.
Proviso.	
Disposition of revenue.	§ 82. <i>Be it further enacted</i> , That all the revenues arising to the harbor master and wardens for the services required of them by this Act, shall constitute one fund, out of which shall be paid—first, all their office expenses, then there shall be paid to the harbor master the sum of five hundred dollars: the residue of said funds shall be divided

equally between the said harbor master and wardens, share and share alike.

§ 83. *Be it further enacted*, That no person acting as agent or inspector of any insurance company, or any owner or consignee of any ship or vessel, or any person employed by the owner, master, or consignee of any ship or vessel, for any purpose in connection with ships or vessels, except as provided by this Act, or any person who furnishes supplies or material of any description to any ship or vessel, or any person having any direct or indirect interest in the business of auctioneering, shall be appointed a harbor master or port warden. Qualification.

§ 84. *Be it further enacted*, That the harbor master and wardens of the port of Mobile be, and they are hereby, authorized to point out and direct where ballast shall be discharged in or about the bay of Mobile; and that the master or officer of any vessel, or other person who may violate such directions, after the same shall have been given or published, and discharge the same at any other than the place or places pointed out, as aforesaid, shall forfeit and pay the sum of five hundred dollars for every such offence, with costs, to be recovered before any court having competent jurisdiction, at the suit of the harbor master, one-half of which shall be paid to the person or persons giving information of the same, and the other half to the use of the city of Mobile. Harbor master may direct where ballast is to be placed.
Penalty.

§ 85. *Be it further enacted*, That the boards of mayor, aldermen and common council shall have power to require the fencing or enclosing any vacant lot within the limits of the city; to require lots to be cleansed and cleared of all such nuisances as to the said boards may seem necessary to be removed; to require sidewalks to be made fronting any lots within the corporate limits, and in every instance where no owner or agent can be found to make such cleaning and improvements, or in case of the refusal or neglect of the owners or agents to comply with the orders of the authorities aforesaid, then the said boards may cause the same to be done, and let out such lot or lots for such term of time as will cover the expenses incurred in so cleansing or improving any such lots, having first given ten days' public notice thereof in one of the newspapers published in the city of Mobile. May require fencing and enclosing lots.
Lots to be cleansed and cleared of all nuisances.
To require sidewalks.
How where owner is unknown.
How enforced where owner fails to act.

Buildings may
be regulated.

§ 86. *Be it further enacted*, That the mayor, aldermen and common council shall have full power and authority to prohibit and prevent the erection and construction of all kind of wooden or other buildings, except those erected or constructed of brick or stone, and covered with slate or metal, within such limits as they may deem best for the safety of the city.

\$15 per day
penalty for vio-
lating last sec-
tion.

§ 87. *Be it further enacted*, That if any person or persons shall either directly or indirectly build, or cause to be built, or shall knowingly suffer or permit any wooden or other building or buildings, except as aforesaid, to be erected, built, or put upon his, or her, or their lot or lots, within such limits and boundaries as may be designated by the said mayor, boards of aldermen and common council, such person or persons so offending against the provisions of this Act shall, for each and every day he, she, or they shall continue so to offend, forfeit and pay the sum of fifteen dollars, to be recovered before the mayor or any one of the aldermen or common councilmen of said city.

Wooden or
other buildings
erected since
1829 may be re-
moved.

§ 88. *Be it further enacted*, That the mayor, aldermen and common council for the time being, and their successors in office, shall be fully authorized and empowered to remove such wooden or other buildings as have been erected since the first of January in the year of our Lord eighteen hundred and twenty-nine, except those constructed of brick or stone, as have been or may be erected, built, or put up within the limits to be defined as aforesaid by said corporation, which removal shall be at the expense of the city:

Proviso, should
be necessary.

Provided, always, That the said mayor, aldermen and common council be of opinion that the protection of said city, and its safety and security from fire, will be increased by the removal of said wooden or other buildings: *And provided, also*, That they first pay to the owner or owners thereof such equitable compensation in damages as a jury of freeholders in said city, to be summoned and sworn as in other cases by the mayor for the time being, shall be of opinion that he, she, or they may sustain thereby.

Equitable com-
pensation shall
be made.

Defaulting
juror, how pun-
ished.

§ 89. *Be it further enacted*, That for any default of attendance of any juror who may be drawn and summoned under the provisions of this Act, such juror shall and may be fined by the mayor, or any one of the aldermen or common

council, in a sum not exceeding fifty dollars: *Provided*, That a reasonable excuse made on oath by such defaulting juror shall exempt him from the payment thereof. Excuse to be heard.

§ 90. *Be it further enacted*, That all physicians who may be appointed by the said mayor, aldermen and common council to carry into effect their ordinances in reference to the preservation of health in the city of Mobile, shall be obliged to give their opinions in writing, when thereto requested by the said mayor, aldermen and common council, touching any contagious or malignant fevers prevailing within the limits of said city of Mobile, or any disease, matter, or thing which affects the health or lives of the inhabitants of said city. Physicians appointed shall enforce health ordinances.

§ 91. *Be it further enacted*, That the said mayor, or either of the said aldermen or common councilmen, shall issue his process as a justice of the peace for the city of Mobile for offences committed under this Act, and for a breach of all or any of the by-laws or ordinances of the said corporation, to any police officer of said corporation, who shall bring the offenders, in pursuance of the said process, before the said mayor, or the aldermen or common councilmen aforesaid, and the said mayor, the aldermen, or the common councilmen, or any one of them, shall proceed to try the offenders, and examine all witnesses that may appear or be subpoenaed before him, both on the part of the corporation and on the part of the delinquents, and give judgment as to him shall appear just and legal; and if the said person or persons who may be brought before the said mayor, aldermen or common council shall be dissatisfied with the decision of the said mayor, aldermen or common councilmen, he, she, or they may forthwith appeal to the circuit or city court of Mobile county, and the said person or persons shall give a bond, with good and sufficient security, to pay and satisfy the judgment, with costs, in case the judgment of the said mayor, aldermen or common councilmen shall be affirmed by the said circuit or city court, and the proceedings thereon shall be as are prescribed by law in other cases of appeal, and in case of the death of the person appealing, the action may be revived in the name of his or her personal representative. Mayor, &c., shall issue process under this Act, &c., as a justice of the peace. Directed to police officer.

§ 92. *Be it further enacted*, That from and after the passage of this Act, all fines and forfeitures adjudged or Mayor, &c., shall try.

Shall give judgment. Appeal, how taken.

Fines, &c., may be enforced by execution, as in

cases before
justices of the
peace.

assessed against any person or persons by the mayor or any one of the aldermen or councilmen of said city, under or by virtue of any statute of this State, or of any proper ordinance of said city, may be enforced and collected against any such person or persons by execution, to be issued by the clerk of said corporation, and to be directed to and executed by any police officer of said city, which said execution shall, in all respects except in the direction thereof, as aforesaid, conform to and be governed by, and be executed by, the said officers, to whom the same is to be directed, in the same manner as is required by the laws regulating executions issued by justices of the peace of this State.

Survey of city,
and to fix bound-
aries and
limits.

§ 93. *Be it further enacted*, That the said corporation be, and they are hereby, authorized to cause a complete and accurate survey to be made of the said city, agreeably to the courses and limits prescribed in this Act, and to establish and fix, from time to time, permanent boundaries at such places as they may deem necessary and proper, for perpetuating the boundaries of said city, and to cause the squares into which the city now is, or hereafter may be divided, to be numbered, beginning at such point as the said corporation may designate, and progressing with the same in the manner they may direct, and also to cause the front and depth of each lot so numbered to be measured and specified on the survey of the said city; and after the said survey shall have been so made and approved by the corporation, the same shall be admitted to record in the office of the clerk of the probate court of Mobile county, or in such office as, at the time of completing said survey, shall or may by law be appointed for recording deeds.

To divide city
into squares.

Lots.

To be recorded.

New streets or
alterations.

§ 94. *Be it further enacted*, That it shall be lawful for the mayor, aldermen and common council of the city of Mobile to make any new streets, or to make any alteration, improvement, or repairs of any already made, at the expense of said city, or it may be done upon the written application of the owners of at least one-fourth in quantity of the property through or over which any new street, alteration, improvements, or repairs are desired to be made; and it shall be the duty of the mayor to give notice of such application or intended change or alteration of any street, for thirty days, in the official journal of the city, in order

Improvements,
&c., may be
made at expense
of city.
Improvements,
&c., of streets
made on appli-
cation by prop-
erty holders of
at least one-
fourth interest.
Notice to be
given for objec-
tions.

that persons interested therein may signify their objections to the same; and if after the expiration of such notice, the board of aldermen and common council ordain the making alterations, improvements, or repairs of such street, it shall be at the expense of those benefited by the same; and it shall be the duty of the mayor to impanel a jury of twelve freeholders of the city of Mobile, who shall assess the property benefited by and adjacent to the proposed new street, alteration, improvement, or amendment, the fractional part of the whole sum paid or expended, or directed by ordinance to be paid or expended, which assessment shall be a lien on the property, and collected by the said corporation in like manner as the taxes on real estate are collected under the provisions of this Act; and if the new street, alteration, improvement, or repairs shall be requested by the owners of one-fourth part of the property, in manner aforesaid, and the same shall be made by reason of any ordinance of the corporation, the several parties benefited as aforesaid shall be compelled to contribute to the expense of making the same, although the forms prescribed by this section may not have been strictly complied with, and the request and ordinance shall alone be deemed essential to create the claim for contribution: *Provided*, That the street called and known by the name of Government street shall be, and is hereby declared to be, one hundred feet wide, and it shall be the duty of the said corporation to designate and distinctly mark out the northern limits of said street according as the same were established by the Spanish government, as nearly as can be ascertained by the Spanish records, by the records of the land office, or by any other evidence which they may deem necessary or satisfactory; and the limits, when so ascertained, marked out, and designated, shall be the permanent northern boundary of said street.

§ 95. *Be it further enacted*, That the said corporation shall have power, and they are hereby authorized, to alter and change the names of streets of the said city whenever they may deem it expedient, and they shall mark the names, when so altered and changed, together with the original names thereof, on the map of said city.

§ 96. *Be it further enacted*, That hereafter the number of justices of the peace in and for the city of Mobile shall

If objections overruled.

Jury to be impaneled to assess.

Assessment a lien, how.

When owners shall contribute

Proviso, Government street to be 100 feet wide. Northern limits, as under Spanish government, to be marked out.

May change name of streets.

One justice of the peace for each ward,

not depend on the militia beats, but there shall be elected for each ward in the city one justice of the peace and one constable, by the qualified electors of said ward, who shall hold their office for three years, and be governed by the same rules, in every other respect, that now govern justices of the peace in their powers, duties, and fees, and their terms of office shall commence from the expiration of the terms of office of the present incumbents.

Justices shall keep docket.

§ 97. *Be it further enacted*, That all justices of the peace for said city shall keep a docket, on which shall be entered a note of each case brought before them, and of their orders and doings thereabouts; and that at the expiration of their terms of office, whether by death or otherwise, the said books, together with the papers of their office, shall be turned over to their successors in office, and imperfect orders, proceedings, and judgments may be perfected by the successor of the justice whose proceedings are thus defective.

Justices not to keep office in city if elected out of city.

§ 98. *Be it further enacted*, That from and after the passage of this Act, justices elected in the county of Mobile, beyond the limits of said city, shall not be permitted to keep their offices within the limits of said city.

Corporation to appoint inspectors of election.

§ 99. *Be it further enacted*, That the mayor, aldermen and common council of the city of Mobile be charged with appointing inspectors and officers to hold the elections hereinbefore provided for, in the same manner that aldermen are elected; and in case of the death or resignation of any of the justices herein provided, his place shall be filled by election, in the same manner as if his term of office had expired, and reasonable expenses of such elections shall be paid by the county of Mobile.

Vacancy, how filled.

Ordinance to raise money by taxation to buy property to lay over six days.

§ 100. *Be it further enacted*, That whenever it is proposed to raise money by the issuing of bonds, or by increased taxation, for the purchase of real or personal property, or for any other extraordinary purpose, beyond the ordinary and necessary demands for municipal purposes, an ordinance authorizing the same shall be prepared and offered in one or the other of the boards of aldermen and common council, which when read shall be laid on the table, and further action thereon postponed until the said ordinance shall have been published for at least six days.

Then for the passage of said ordinance, the yeas and nays shall be called, and a vote of two-thirds of each of the boards of aldermen and common council shall be requisite, and the approval of the mayor.

§ 101. *Be it further enacted*, That all Acts and parts of Acts conflicting with the provisions of this Act be, and the same are hereby, repealed.

APPROVED 2d February, 1866.

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TO
CHARTER.

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Shall record certificate of sale of property for taxes, -	22, 23
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Shall take ballots, - - - - -	11

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Of election, - - - - -	11
Of sale for taxes, - - - - -	22, 23
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Clerk shall record, - - - - -	22

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Created, - - - - -	5
Eligibility of, - - - - -	8
One for each ward, - - - - -	8
Election of, - - - - -	8
Term of office, - - - - -	8, 9
Vacancy, how filled, - - - - -	9
Oath of, - - - - -	10
Shall not contract with city, - - - - -	10
How election contested, - - - - -	11
Shall elect presiding officer, - - - - -	12
Shall meet weekly, - - - - -	12
When president shall act as mayor, - - - - -	12
Cause of vacancy, - - - - -	12
May call meetings and adjourn, - - - - -	15
May be called by mayor, - - - - -	15

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Shall keep journal, - - - - -	15
Conservators of the peace, - - - - -	18
Duty as to assessment of taxes, - - - - -	20
Power of president to assess taxes on public amusements, &c., - - - - -	25
Two-thirds vote to pledge faith, - - - - -	26
President of, with mayor and president of board of aldermen may elect port wardens, - - - - -	31, 32

CONTRACT. Members of the corporation shall not, with city, - 10

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How tried, - - - - -	11
Proceedings thereon, - - - - -	11, 12

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To elect all officers and agents, - - - - -	13
Fix compensation and duties, - - - - -	13
And may remove, - - - - -	13

DISEASE. City may prevent introduction of, - - - - - 15

DISORDERLY, DANGEROUS AND SUSPICIOUS PERSONS.

How dealt with, - - - - -	17
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DRAY. May be licensed, - - - - - 16

DRAINS.

City may keep in repair, - - - - -	18
“ “ establish, &c., - - - - -	18

DRUNK. Persons found, how dealt with, - - - - - 17

DOCKAGE. To provide for charges of, - - - - - 28

ELECTIONS.

For mayor, aldermen and common council, - - - - -	8
Qualification of voters, - - - - -	8
Vacancy, how filled, - - - - -	9
Aldermen, - - - - -	9
Vacancy, how filled, - - - - -	10
Three inspectors appointed, - - - - -	10
Certificate of election, - - - - -	10
Mayor shall give notice of, - - - - -	10
Inspectors may keep peace, - - - - -	10, 11
Duty of sheriff and police at, - - - - -	10
If a tie, inspectors' duty, - - - - -	11
Polls to be kept open in charter elections from 8 to 4 - - - - -	11
When certificate of filed with clerk, he shall give notice, - - - - -	11
Municipal, how contested, - - - - -	11
Testimony, how taken, - - - - -	11
Ballots to be handed to clerk, - - - - -	11
Notice of contest; fees - - - - -	11, 12
Trial and judgment, - - - - -	12
Convention shall meet for, of officers and agents, - - - - -	13
Term of those annually elected, - - - - -	13
Of justice of the peace, - - - - -	39, 40
Inspectors to be appointed, - - - - -	40

EXHIBITIONS. How taxed, - - - - - 25

FENCES.

May be removed or pulled down,	- - - - -	16
Partition may be regulated,	- - - - -	16
City may require lots to be fenced,	- - - - -	35

FERRIES. City may open and establish,	- - - - -	18
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FISH.

Inspection of,	- - - - -	16
Sale of may be prohibited, except in market,	- - - - -	16

FLOUR. Inspection of,	- - - - -	17
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FINANCIAL YEAR,	- - - - -	29
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FINES.

May be imposed and appropriated,	- - - - -	16
For failing to pay revenue,	- - - - -	25
How may be enforced,	- - - - -	26

FIRE WARDS. Establish may,	- - - - -	16
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FIRE COMPANIES. " "	- - - - -	16
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FIRES. City may prevent and extinguish,	- - - - -	16
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FIRE-WOOD. Inspection of,	- - - - -	17
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FORFEITURES. May be imposed and appropriated,	- - - - -	16
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GAMBLING. May be prohibited,	- - - - -	16
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GAME. Sale of may be prohibited except in market,	- - - - -	16
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GAMES. Public, how taxed,	- - - - -	25
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GAS WORKS. Power to erect,	- - - - -	28
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GAS METRES. May be regulated,	- - - - -	28
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GOVERNMENT STREET. Shall be 100 feet wide,	- - - - -	39
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HARBOR MASTER.

Elected,	- - - - -	31, 32
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Wardens elected,	- - - - -	31, 32
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Shall have office and keep records,	- - - - -	32
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Regulate ships, boats, etc.,	- - - - -	32
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Penalty for refusal to obey,	- - - - -	32
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Sickness of, warden to act,	- - - - -	33
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To inspect and survey,	- - - - -	33
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To inspect cotton and merchandise,	- - - - -	33
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Direct sale, etc.,	- - - - -	33
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To survey vessels,	- - - - -	33
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Fees for survey,	- - - - -	34
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Fees,	- - - - -	34
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Disposition of revenue,	- - - - -	34
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No one connected with an insurance company to be,	- - - - -	35
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Direct where ballast to be discharged,	- - - - -	35
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Penalty for,	- - - - -	35
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HEALTH. Preservation of,	- - - - -	37
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HEAD TAX. On citizens,	- - - - -	20
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HOSPITALS. City may erect, &c.,	- - - - -	16
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HOUSE OF CORRECTION. City may establish,	- - - - -	16
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HOUSE, PEST. City may establish,	- - - - -	16
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" WORK. City may establish,	- - - - -	16
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IDLE OR DISORDERLY PERSONS. How dealt with,	- - - - -	17
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INSPECTORS OF ELECTIONS.

Three appointed, - - - - -	10
Shall give certificate of election, - - - - -	10
May keep peace, - - - - -	10
Duty, when there is a tie vote, - - - - -	11
Ballots to be deposited with clerk, - - - - -	11
For election of justice of the peace, - - - - -	39, 40

ILL FAME. Persons of, how dealt with, - - - - -	17
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INDECENT CONDUCT. How punished, - - - - -	17
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INSPECTION.

Of staves, tobacco, tar, pitch, turpentine, rosin, fish, flour, oil. How city may establish, - - - - -	15
Of salt and oil. City may establish, - - - - -	15
Of lumber, fire-wood, flour, beef, pork, fish and salt pro- visions. May be appointed by city, - - - - -	17, 18

INSURRECTION OR INVASION.

In case of, mayor may call on volunteer regiment, - - - - -	19
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JUSTICE OF THE PEACE.

Mayor, aldermen and councilmen vested with certain powers of, - - - - -	18, 37
Duties therein, and appeal, - - - - -	37
Fines may be coerced, as in cases pending before, - - - - -	37, 38
One for each ward, for three years, - - - - -	39, 40
Shall keep docket and hand over to successor, - - - - -	40

JUROR.

Defaulting, how punished, - - - - -	36, 37
How summoned, &c., - - - - -	36

JUSTICES.

Elected out of city, not to hold office within, - - - - -	40
City appoints inspectors of election, - - - - -	40

LABOR. When imposed as a punishment, - - - - -	16, 17
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LAMPS. May be erected, - - - - -	16
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LANGUAGE. Indecent, in streets, how persons guilty of may be punished, - - - - -	17
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LASCIVIOUS LIFE. Persons of, how punished, - - - - -	17
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LAME PERSONS. City has same power as county officers over, - - - - -	31
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LEWD PERSONS. How dealt with, - - - - -	17
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LICENSE.

City may, retailers, hacks, carriages, wagons, carts, drays, and pawnbrokers, - - - - -	16
Chimney sweepers, - - - - -	16
Tax on business, - - - - -	26
In three grades, &c., - - - - -	26

LOITERERS. About tippling-houses, how dealt with, - - - - -	17
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LOTS.

City may require fences, - - - - -	35
“ “ “ to be cleaned, - - - - -	35
Side-walks to be made before, - - - - -	35
May be surveyed, - - - - -	38

LUMBER. Inspection of, - - - - -	17
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MAYOR OF MOBILE.

Created, - - - - -	5
Eligibility of, - - - - -	8
Election of, - - - - -	8
Term of office, - - - - -	8
Vacancy, how filled, - - - - -	9
Oath of, - - - - -	10
Shall not contract with city, - - - - -	10
To give notice of election, - - - - -	10
How election contested, - - - - -	11
Who shall act for, when he is incapacitated, - - - - -	12
In case of vacancy, - - - - -	12
Shall reside in city, - - - - -	13
May call boards together, - - - - -	15
Conservator of the peace, - - - - -	18
Powers as to seamen, - - - - -	18
Shall see laws executed, - - - - -	18
Hold court every day, - - - - -	18
Shall report negligence and incapacity of officers, - - - - -	18
Shall lay before boards, in writing, such alterations and measures as he deems proper, &c., - - - - -	18
Salary, - - - - -	18
Duty in case of invasion, insurrection, &c., - - - - -	19
Shall appoint watchmen and police, - - - - -	19
Powers and duty as to ordinances and resolutions, - - - - -	19
Duty as to assessment of taxes, - - - - -	19, 20
Duty as to assessment of taxes on public balls, shows, exhibitions, theatrical entertainments, billiard tables, nine and ten-pin alleys, bowling alleys, and public games, and amusements, - - - - -	25
Duty as to shelling, paving and planking streets, - - - - -	27
With president of council and president of aldermen, elect port wardens, - - - - -	31, 32

MARKETS.

City may establish, - - - - -	16
May prohibit sale of meat, poultry, fish or game, except in - - - - -	16
Shall reserve two public stalls, - - - - -	16

MEAT. Sale of, may be prohibited, except in market, - - - - -	16
MEASURES AND WEIGHTS. City may regulate, - - - - -	17

MECHANICS, MASTER.

Committee of four appointed to measure work, - - - - -	29
Duties, - - - - -	30
Mode of proceeding, - - - - -	30
Determine as to quality of, - - - - -	30, 31
Vacancies, how filled, - - - - -	31
Compensation, - - - - -	31
How recovered, - - - - -	31
Oath of office, - - - - -	31

MILITARY. Mayor may call out, - - - - -	19
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NIGHT WATCH.

City may establish, - - - - -	15
Mayor shall appoint, - - - - -	19

NUISANCES.

City may prevent and remove, - - - - -	15
" " " " " from lots, - - - - -	35

OFFICERS.

To be elected by convention, - - - - -	13
Of police, appointed by mayor, - - - - -	19
Term of where annually elected, - - - - -	13

OIL. Inspection of, - - - - -	15
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ORDINANCES.

May be adopted, - - - - -	18
Fines, forfeitures, and penalties may be imposed for breach of, - - - - -	16, 25, 37, 38
May adopt all necessary, - - - - -	18
How originated and passed, - - - - -	19

ORPHANS. City may bind out, - - - - -	31
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PATROLS. City may establish, - - - - -	15
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PAVE. City may, streets, - - - - -	27
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PHYSICIANS.

Appointed to carry into force health ordinances, - - - - -	37
Shall give opinion in writing, - - - - -	37

PAWNBROKER. May be licensed, - - - - -	16
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PAUPERS.

Persons likely to become, how dealt with, - - - - -	17
City has same powers as county officers over, - - - - -	31

PENALTIES.

May be imposed and appropriated, - - - - -	16
" " " to collect revenue, - - - - -	25

PENITENTIARY. City may establish, - - - - -	16
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PEST-HOUSE. City may establish, - - - - -	16
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PITCH. Inspection of, - - - - -	15
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PLANK. Streets, city may, - - - - -	27
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PORK. Inspection of, - - - - -	17
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PROPERTY.

City may hold, - - - - -	5
May tax real and personal, - - - - -	16, 19
Tax on sold at auction, - - - - -	19

POLLS. To be kept open in charter elections, - - - - -	11
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POLICE.

Duty of at elections, - - - - -	10
City may establish, - - - - -	15, 19
Mayor shall appoint, &c., - - - - -	19
Shall execute process, - - - - -	37

PORT WARDENS. (SEE HARBOR MASTER,) - - - - -	31
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POULTRY. Sale of may be prohibited, except in market, - - - - -	16
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PROSTITUTES. Public, how dealt with, - - - - -	17
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PROFESSION. License tax in three grades, - - - - -	26
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PUBLIC AMUSEMENTS. May be licensed, - - - - -	16
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PUMPS. May be established in streets,	-	-	-	-	16
QUALIFICATIONS.					
For mayor, aldermen and common council,	-	-	-	-	8
Councilmen shall reside in ward,	-	-	-	-	8
Of voters,	-	-	-	-	8
“ “ for aldermen,	-	-	-	-	8
Aldermen shall reside in ward,	-	-	-	-	8
RETAILERS. May be licensed by city,	-	-	-	-	16
RESOLUTIONS.					
City may adopt all necessary,	-	-	-	-	18
How originated and passed,	-	-	-	-	19
ROSIN. Inspection of,	-	-	-	-	15
SALT.					
Inspection of, power for,	-	-	-	-	15
Provisions, “ “	-	-	-	-	15
SALE.					
Of meat, poultry, fish, or game, may be prohibited, except at market,	-	-	-	-	16
At auction, how taxed,	-	-	-	-	19, 20
Of property, before stored, how taxed,	-	-	-	-	25
SHERIFF'S DUTY. At elections,	-	-	-	-	10, 11
SECURITY. To be of good behavior,	-	-	-	-	17
SEAMAN. Mayor may hear and determine as to, in certain cases,	-	-	-	-	18
SEAL, CITY. May be established,	-	-	-	-	5
SEWERS.					
City may keep in repair,	-	-	-	-	16
City may establish,	-	-	-	-	18
SHOWS. How taxed,	-	-	-	-	25
SHELL. City may, streets,	-	-	-	-	27
SIDE-WALKS.					
City may establish,	-	-	-	-	18
“ “ require,	-	-	-	-	35
STYLE OF CORPORATION,	-	-	-	-	5
STAVES. Inspection of, power for,	-	-	-	-	15
STALLS.					
City may rent market,	-	-	-	-	16
Shall be two public,	-	-	-	-	16
STREET.					
Drunk or begging in, how punished,	-	-	-	-	17
Indecent or disorderly, &c., conduct,	-	-	-	-	17
City may keep in repair,	-	-	-	-	16
May pave, shell or plank,	-	-	-	-	27
Duty of mayor and engineer as to,	-	-	-	-	27
Tax collector shall collect assessment,	-	-	-	-	27, 28
How new, or alterations on streets, may be made,	-	-	-	-	38, 39
How made,	-	-	-	-	39
Government, shall be 100 feet wide,	-	-	-	-	39
City may change name of	-	-	-	-	39
Squares, city may be divided into,	-	-	-	-	38
SUE AND BE SUED. City may,	-	-	-	-	5

SUPERINTENDENT OF WHARVES AND DOCKS.

Appointed, and duties, - - - - -	29
Compensation and bond, - - - - -	29

TAX.

Assessor elected, - - - - -	13
Term and vacancy, how filled, - - - - -	13, 14
Office in municipal buildings, - - - - -	14
Books shall be kept open, - - - - -	14
Shall make assessment, - - - - -	14, 26
Compensation, - - - - -	14
Shall be freeholder in city, - - - - -	15
Collector shall be freeholder in city, - - - - -	15
City may levy and collect, to carry out its powers, - - - - -	19
May tax auction sales, sales of merchandise, capital and income, - - - - -	19
May levy on real and personal property and poll tax, - - - - -	19, 20
Valuation shall be cash, - - - - -	27
Assessment, how made, - - - - -	20
Assessment open to public, - - - - -	20
“ notice of to be given, - - - - -	20
“ objections to, how made, - - - - -	20
“ witnesses may be heard, - - - - -	20
“ mayor shall issue his warrant, - - - - -	20
Collector shall collect, - - - - -	21
“ may sell real or personal property, without exhausting personal, - - - - -	21
On property of unknown owners, how collected, - - - - -	21
Form of certificate of sale for taxes, - - - - -	22
Collector shall put purchaser in possession, - - - - -	22
Clerk shall record certificate, - - - - -	22
How property sold for may be redeemed, - - - - -	23
Person failing to surrender possession guilty of unlawful detainer, - - - - -	23
Form of certificate to person redeeming, - - - - -	23
How titles may be perfected, - - - - -	24
Certificate is conclusive evidence, - - - - -	24
Collector shall be charged with all of the assessment, - - - - -	24
How collector may relieve himself from charge of assessment, - - - - -	25
Remains a lien until paid, - - - - -	25
Collector shall from time to time offer for sale, - - - - -	25
Purchaser failing to pay taxes, forfeits his claim, and shall yield possession, - - - - -	25
Failing to do so, guilty of unlawful detainer, - - - - -	25
On property sold before it is stored in the city, - - - - -	25
On public balls, shows, exhibitions, theatrical entertainments, billiard tables, nine and ten-pin alleys, bowling alleys, public games, and public amusements, to be assessed by mayor and two presidents, - - - - -	25
On itinerant or transient persons, - - - - -	26
License on business, in three grades, - - - - -	26
Collector shall collect assessments for paving, shelling and planking streets, - - - - -	27, 28

TAX.—*Continued.*

To provide for wharves, &c.,	- - - - -	29
Collector to pay to city treasurer,	- - - - -	29
TOBACCO. Inspection of, power for,	- - - - -	15
TAR. Inspection of,	- - - - -	15
TESTIMONY. How taken in contests of municipal elections,	-	11
THEATRICAL AMUSEMENTS.		
May be licensed,	- - - - -	16
How taxed,	- - - - -	25
TIPPLING-HOUSES. Persons loitering around, how punished,	-	17
TREASURER.		
Shall be clerk of council,	- - - - -	13
Person wishing to redeem property sold for taxes, may pay		
amount to,	- - - - -	23
Form of certificate,	- - - - -	23
TURPENTINE. Inspection of,	- - - - -	15
VACANCY.		
Of mayor,	- - - - -	12
How filled,	- - - - -	12
Aldermen,	- - - - -	13
How filled,	- - - - -	13
Councilmen,	- - - - -	12
How filled,	- - - - -	12
Of assessor,	- - - - -	13, 14
Of city engineer,	- - - - -	14
Of master mechanics,	- - - - -	31
Of justice of the peace,	- - - - -	39, 40
VAGRANTS. How dealt with,	- - - - -	17
VESSELS.		
Mooring of, regulate, city may,	- - - - -	15
To provide for dockage on,	- - - - -	28
VETO.		
Mayor may, action of boards,	- - - - -	19
When, how passed,	- - - - -	19
WARDS.		
Boundaries of,	- - - - -	5
First,	- - - - -	5, 6
Second,	- - - - -	6
Third,	- - - - -	6
Fourth,	- - - - -	6
Fifth,	- - - - -	6, 7
Sixth,	- - - - -	7
Seventh,	- - - - -	7
Eighth,	- - - - -	8, 9
One councilman from each,	- - - - -	8
Three aldermen “ “	- - - - -	8
If aldermen or councilmen remove, office shall be vacated,	-	13
One justice elected in each,	- - - - -	40
WAGONS. May be licensed,	- - - - -	16

WARDENS, PORT.

Elected,	-	-	-	-	-	-	-	31, 32
Shall have an office,	-	-	-	-	-	-	-	32

(SEE HARBOR MASTER.)

WEIGHTS AND MEASURES. City may regulate, - - 17

WELLS. City may sink,	-	-	-	-	-	-	16
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WHARVES.

City may purchase and regulate, - - - - - 28

“ “ appoint committee on wharves, - - - 28

Powers of,	-	-	-	-	-	-	-	28
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Superintendent of, " " " " " " 29

Duties, bond and compensation,	-	-	-	-	-	29
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Tax may be levied,	-	-	-	-	-	-	29
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WORK-HOUSE. City may establish,	-	-	-	-	16
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WORK.

Measurers of, and duties, - - - - - 29, 30

Mode of proceeding,	-	-	-	-	-	30
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Determine as to quality,	-	-	-	-	-	-	30
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Vacancies, how filled,	-	-	-	-	-	31
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Compensation,	-	-	-	-	-	-	-	31
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How recovered,	-	-	-	-	-	-	31
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Oath of office, -	-	-	-	-	-	-	31
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WOODEN BUILDINGS.

May be prohibited, " " " " " "	36
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Erected since 1829, may be removed,	-	-	-	-	36
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WOOD, FIRE. Inspection of,	-	-	-	-	-	17
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YEAR, FINANCIAL, - - - - - 29

MEMBERS OF CORPORATION IN 1866.

Mayor,

JONES M. WITHERS.

Aldermen,

CALEB PRICE, PRESIDENT.

1st Ward,	-	-	-	-	THOS. J. RILEY,
" "	-	-	-	-	THOS. B. LYONS,
" "	-	-	-	-	J. J. MELTON.
2d Ward,	-	-	-	-	DR. R. MILLER,
" "	-	-	-	-	AUGUSTUS BROOKS,
" "	-	-	-	-	PRICE WILLIAMS, JR.
3d Ward,	-	-	-	-	B. O'CONNELL,
" "	-	-	-	-	W. H. LIENKAUF,
" "	-	-	-	-	P. L. MALONE.
4th Ward,	-	-	-	-	G. Y. OVERALL,
" "	-	-	-	-	CALEB PRICE,
" "	-	-	-	-	JOHN FORSYTH.
5th Ward,	-	-	-	-	J. LEE HAMILTON,
" "	-	-	-	-	M. W. McDONALD,
" "	-	-	-	-	THOS. E. FLANNERY.
6th Ward,	-	-	-	-	M. D. GRINNELL,
" "	-	-	-	-	D. O. GRADY,
" "	-	-	-	-	JOHN MAGUIRE.
7th Ward,	-	-	-	-	J. E. SMITH,
" "	-	-	-	-	B. A. WEEMS,
" "	-	-	-	-	RUFUS DANE.
8th Ward,	-	-	-	-	J. J. DELCHAMPS,
" "	-	-	-	-	G. VAUTROT,
" "	-	-	-	-	EMILE GERARD.

Common Council,

DR. GEORGE A. KETCHUM, PRESIDENT.

1st Ward,	-	-	-	-	DAVID P. REID.
2d	"	-	-	-	A. J. INGERSOLL.
3d	"	-	-	-	DR. GEO. A. KETCHUM.
4th	"	-	-	-	DANIEL McNEILL.
5th	"	-	-	-	J. C. COLSSON.
6th	"	-	-	-	JOHN HURTEL.
7th	"	-	-	-	W. W. McGUIRE.
8th	"	-	-	-	I. I. JONES.

OFFICERS OF THE CITY FOR 1866.

NICHOLAS WEEKS,	-	<i>City Treasurer.</i>
WHITFIELD TURNER,		<i>" Clerk.</i>
S. S. SEMMES,	- -	<i>" Attorney.</i>
JOHN PARHAM,	-	<i>" Tax Collector.</i>
CHARLES N. ROULSTON,		<i>Keeper Powder Magazine.</i>
JOSEPH S. CAIN,	-	<i>Clerk Market.</i>
W. G. CLARK,	- -	<i>City Printer.</i>
ROLAND BOULLEMET,		<i>Weigher of Hay.</i>
GEORGE AITE,	- -	<i>Insp'r of Staves and City Gauger.</i>
JAMES GARRITY,	-	<i>Inspector of Wood, North.</i>
JOHN McGRATH,	- -	<i>Inspector of Wood, South.</i>
PATRICK CULLEN,	-	<i>Inspector of W. and Measures.</i>
C. BEROUJON,	- -	<i>City Sexton.</i>
REUBEN A. LEWIS,		<i>" Assessor.</i>
P. J. PILLANS,	- -	<i>" Engineer.</i>
H. C. FREELAND,	-	<i>Master Mechanic.</i>
W. H. SADLER,	- -	<i>" "</i>
B. F. SCATTERGOOD,		<i>" "</i>
WM. J. COLE,	- -	<i>" "</i>
DANIEL WHEELER,		<i>Trustee of City Property.</i>
JAMES M. MULDON,	-	<i>" " "</i>
JAMES CRAWFORD,		<i>" " "</i>
STEPHEN CHARPENTIER,		<i>Chief of Police.</i>
JAMES GIDDONS,	-	} <i>Assistants to Chief of Police.</i>
DAVID PARSONS,	-	
JOHN S. WHITNEY,	-	
THOMAS McPHILIPS,	-	

JOHN F. PETTY, -	-	<i>Captain of the Guard.</i>
WM. B. SHELTON, -	-	<i>1st Lieut. " "</i>
WM. E. COLGIN, -	-	<i>2d " " "</i>
H. MALONE, -	-	<i>3d " " "</i>
JAMES C. McLAMOIL, -	}	<i>Sergeants of Police.</i>
WM. SHERLOCK, -		
R. J. RICKS, -		
ROBERT W. HARRIS, -		
JAMES WADE, -	-	<i>Day Sentinel.</i>
M. F. ELDRIDGE, -	-	<i>Night "</i>
JAMES E. CAHAL, -	}	<i>Bell Sentinels.</i>
ROGER JONES, -		
C. GIBSON, -		

R U L E S
OF THE
BOARD OF ALDERMEN
OF THE
CITY OF MOBILE.

RULE 1. The president shall take the chair at all meetings of the board, and on the appearance of a quorum shall immediately call the members to order; when the president is absent the members present may select one of their number to take the chair; the business shall be taken up as follows, viz:

1. Calling of the roll of members.
2. Reading of the journal of proceedings of the last meeting, and if no objections are made, the president shall declare them approved.
3. Communications from the mayor.
4. Reports from officers of the several departments, read and disposed of.
5. Papers from the board of common council taken up for consideration.
6. Reports from standing committees in their order.
7. Reports from the select committees in their order.
8. Petitions read and acted upon.
9. Unfinished business.
10. New business.
11. Elections to fill vacancies in this board, if any.
12. Election of officers.
13. Adjournment.

RULE 2. The president shall preserve order and decorum, may speak to points of order in preference to other

members, he shall decide questions of order, subject to an appeal to the board, at the request of any member, which appeal shall be decided without debate.

RULE 3. He shall put all questions distinctly in this form, to wit:

“As many as are of opinion (as the case may be) say aye,” and after the affirmative voice is expressed, “As many as are of the contrary opinion, say no;” if the president doubts, he shall cause a division; those of the affirmative of the question shall first rise from their seats, and afterwards, those of the negative.

RULE 4. When any member is about to speak or deliver any matter to the board, he shall rise from his seat and respectfully address himself to Mr. President.

RULE 5. If any member is speaking, or otherwise transgress the rules, the president or any member may call to order; in which case, the member so called to order, shall immediately sit down, unless permitted to explain, and the board shall, if appealed to, decide on the case—but without debate; if the decision be in favor of the member so called to order, he shall be at liberty to proceed, if otherwise, and the case requires it, he shall be liable to the censure of the board.

RULE 6. When two or more members happen to rise at the same time, the president shall name the person who is first to speak.

RULE 7. No member shall speak more than twice to the same question, without leave of the board.

RULE 8. Upon a call for taking the ayes and noes on any question, the president shall first be called, and then the names of the members alphabetically, and each member shall answer from his seat.

RULE 9. When a motion is made and seconded, it shall be stated by the president, or if in writing, it shall be read aloud; and every motion shall be reduced to writing, if the president or any member request it.

RULE 10. Any member may call for a division of the question when the sense will admit it.

RULE 11. Each member shall particularly forbear personal reflections; nor shall any member name another in argument or debate.

RULE 12. After a motion is stated by the President, it shall be deemed in possession of the board, but may be withdrawn by leave of the board, at any time before discussion.

RULE 13. When a question is under debate, no motion shall be received but to adjourn, to postpone to a day certain, to lie on the table, for the previous question, to postpone indefinitely, to commit or amend: which several motions shall have precedence in the order they stand arranged.

RULE 14. A motion to adjourn shall always be in order, and shall be decided without debate.

RULE 15. The previous question shall be in this form, "Shall the main question be put?" It shall only be admitted when demanded by a majority of the members present; and, until it is decided, shall preclude all amendments and further debate of the main question; on a previous question there shall be no debate.

RULE 16. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof at the same or succeeding meeting of the board.

RULE 17. The president may appoint committees unless otherwise directed by the board, and the first named gentleman shall be the chairman of the committee for this board.

RULE 18. The president shall not vote on any question, except when the board shall be equally divided, or when the ayes and noes are called, or for all persons to be elected by this board, and for the expenditures of money.

RULE 19. Motions or reports may be referred or committed, at the pleasure of the board.

RULE 20. Nothing shall be introduced by way of rider, which is irrelevant to the matter before the board.

RULE 21. On all questions for filling blanks, the largest sum and the remotest day shall be first put.

RULE 22. A majority of any committee shall be sufficient to proceed to business.

RULE 23. No standing order shall be rescinded without one day's notice given of the motion therefor.

RULE 24. No appropriation of money shall be made, except upon the first regular meeting in each month.

RULE 25. All resolutions relating to a repeal or alteration of any of the existing ordinances, shall lay over for one meeting before final action be had.

RULE 26. All committees appointed on special business relating to the city, shall report within two weeks, unless they can render a sufficient excuse for delay.

RULE 27. Either of the foregoing rules may be suspended by two-thirds of the members present voting in the affirmative.

RULE 28. The president may, during any meeting for business, appoint any member of the board present to take the chair for the time being.

RULE 29. Whoever violates any of the foregoing rules shall suffer such censure as a majority of the board may direct.

CALEB PRICE, *President.*

WHITFIELD TURNER, *Clerk.*

RULES

OF THE

BOARD OF COMMON COUNCIL.

RULE 1. The president shall take the chair at all meetings of the board, and at the hour fixed on, shall immediately call the members to order, and on the appearance of a quorum, cause the proceedings of the last meeting to be read.

RULE 2. He shall preserve order and decorum, may speak to points of order in preference to other members, he shall decide questions of order, subject to an appeal to the board, at the request of any member; which appeal shall be decided without debate.

RULE 3. He shall put all questions distinctly, in this form, to wit: "As many as are of opinion, (as the case may be) say aye," and after the affirmative voice is expressed, "As many as are of the contrary opinion, say no;" if the president doubts, he shall call a division; those of the affirmative of the question shall first rise from their seats, and afterwards, those of the negative.

RULE 4. When any member is about to speak or deliver any matter to the board, he shall rise from his seat, and respectfully address himself to Mr. President.

RULE 5. If any member in speaking, or otherwise, transgress the rules, the president or any member may call to order; in which case, the member so called to order, shall immediately sit down, unless permitted to explain, and the board shall, if appealed to, decide on the case—but without debate; if the decision be in favor of the member so called to order, he shall be at liberty to proceed; if otherwise, and the case requires it, he shall be liable to the censure of the board.

RULE 6. When two or more members happen to rise at the same time, the president shall name the person who is first to speak.

RULE 7. No member shall speak more than twice to the same question, without leave of the board.

RULE 8. Upon a call for taking the ayes and noes on any question, the names of the members shall be called alphabetically, and each member shall answer from his seat.

RULE 9. When a motion is made and seconded, it shall be stated by the president; or if in writing, it shall be read aloud, and every motion shall be reduced to writing, if the president or any member request it.

RULE 10. Any member may call a division of the question when the same will admit it.

RULE 11. Each member shall particularly forbear personal reflections; nor shall any member name another in argument or debate.

RULE 12. After a motion is stated by the president, it shall be deemed in possession of the board, but may be withdrawn, by leave of the board, at any time before discussion.

RULE 13. When a question is under debate, no motion shall be received but to adjourn, to postpone to a day certain, to lie on the table, for the previous question, to postpone indefinitely, to commit or amend, which several motions shall have precedence, in the order they stand arranged.

RULE 14. A motion to adjourn shall be always in order, and shall be decided without debate.

RULE 15. The previous question shall be in this form, "Shall the main question be now put?" It shall only be admitted when demanded by a majority of the members present; and, until it is decided, shall preclude all amendments and further debate of the main question. On a previous question there shall be no debate.

RULE 16. When a motion has been once made and carried in the affirmative or negative, it shall be in order for any member of the majority to move for the reconsideration thereof at the same or the succeeding meeting of the board.

RULE 17. The president may appoint committees unless otherwise directed by the board.

RULE 18. After the proceedings of the previous meetings are read, petitions shall be called for by the president, next reports of the standing committees, and lastly the reports of the select committees.

RULE 19. Motions and reports may be referred or committed, at the pleasure of the board.

RULE 20. Nothing shall be introduced by way of rider, which is irrelevant to the matter before the board.

RULE 21. On all questions for filling blanks, the largest sum and the most remote day shall be first put.

RULE 22. A majority of any committee shall be sufficient to proceed to business.

RULE 23. No standing order shall be rescinded without one day's notice given of the motion therefor.

RULE 24. Whoever violates any of the foregoing rules, shall suffer such censure as a majority of the board may direct.

G. A. KETCHUM, *President.*

N. WEEKS,

Treasurer and Clerk to Board of Common Council.

THE CODE OF ORDINANCES

OF

THE CITY OF MOBILE,

PREPARED BY

REUBEN A. LEWIS,

IN PURSUANCE OF A RESOLUTION OF THE MAYOR, ALDERMEN AND
COMMON COUNCIL OF THE CITY OF MOBILE.

AN ORDINANCE

TO ADOPT THE COMPILATION OF ORDINANCES.

§ 1. *Be it ordained*, That the following ordinances, compiled, revised, and codified by Reuben A. Lewis, Esq., be and the same are hereby adopted and approved :

CHAPTER I.—*Ordinances.*

An ordinance respecting ordinances.

ARTICLE I. City seal, - - - - -	§	1
ARTICLE II. Publication of ordinances, -	§	2
ARTICLE III. Mode of enforcing, - - -	§	6
ARTICLE IV. General provision, - - -	§	26

CHAPTER II.—*Attorney of the City.*

An ordinance to create and define the duties of city attorney, - - - - -

§ 34

CHAPTER III.—*Balls, Bells, Drums, Fire Crackers, Rockets, and Kites.*

An ordinance to regulate and prohibit certain balls, bells, drums, fire crackers, rockets, and kites, - - - - -

§ 37

CHAPTER IV.—*Burying Grounds.*

An ordinance regulating burying grounds.

ARTICLE I. General regulations, - - -	§	42
ARTICLE II. City sexton and his duties, -	§	47

CHAPTER V.—*Carts, Drays and Wagons.*

An ordinance respecting carts, drays and wagons, - - - - -

§ 50

CHAPTER VI.—*Coaches, Carriages, Cabs.*

An ordinance respecting coaches, carriages, cabs, &c., - - - - -

§ 58

CHAPTER VII.—*Chimney and Chimney Sweeps.*

An ordinance to regulate chimneys and chimney sweeps, - - - - - § 67

CHAPTER VIII.—*Clerk of the City.*

An ordinance to create and define the duties of city clerk, - - - - - § 68

CHAPTER IX.—*Factories.*

An ordinance to regulate the establishment of soap and candle factories, - - - - - § 70

CHAPTER X.—*Fences.*

An ordinance to regulate partition fences, § 71

CHAPTER XI.—*Fires.*

An ordinance concerning the fire department.

ARTICLE I. Fire department organized, - § 72

ARTICLE II. Precautionary measures, - § 94

ARTICLE III. Board to investigate the origin of fires, - - - - - § 98

CHAPTER XII.—*Gaming.*

An ordinance respecting gaming, - - - § 99

CHAPTER XIII.—*Hawking and Peddling.*

An ordinance respecting hawking and peddling, - - - - - § 102

CHAPTER XIV.—*Health.*

An ordinance to secure the public health.

ARTICLE I. Board of health, - - - - - § 104

ARTICLE II. Duty of citizens, - - - - - § 106

ARTICLE III. Quarantine, - - - - - § 113

CHAPTER XV.—*Hospitals.*

An ordinance for the regulation of hospitals.

ARTICLE I. City hospital established, - - - § 124

ARTICLE II. Officers and duties, - - - § 128

ARTICLE III. Regulations, - - - - - § 132

ARTICLE IV. Pauper lunatics, - - - - - § 136

ARTICLE V. Private hospitals, - - - - - § 137

CHAPTER XVI.—*Houses, Public.*

An ordinance to regulate and license inns
and public houses, - - - - - § 138

CHAPTER XVII.—*Inspection.*

An ordinance to provide for the inspection
of hay, lumber, liquids, fire-wood, staves,
gas metres, standard of grain, weights
and measures, work on builings.

ARTICLE I. Inspection of hay, - - -	§ 131
ARTICLE II. Inspection of lumber, - -	§ 144
ARTICLE III. Firewood, - - - -	§ 146
ARTICLE IV. City Gauger, - - - -	§ 151
ARTICLE V. Staves, - - - - -	§ 152
ARTICLE VI. Gas metres, - - - -	§ 154
ARTICLE VII. Weights and measures, -	§ 157
ARTICLE VIII. Standard weight of grain,	§ 162
ARTICLE IX. Work of buildings, - -	§ 163
ARTICLE X. Flour, - - - - -	§ 171

CHAPTER XVIII.—*Jurors.*

An ordinance to punish defaulting jurors, § 176

CHAPTER XIX.—*Lots.*

An ordinance respecting vacant lots, - § 177

CHAPTER XX.—*Markets.*

An ordinance to establish and regulate
markets.

ARTICLE I. Markets established, - -	§ 179
ARTICLE II. Renting and allotment of stalls,	§ 180
ARTICLE III. Election and duties of clerk of market, - - - - -	§ 185
ARTICLE IV. Regulations, - - - -	§ 188

CHAPTER XXI.—*Military.*

An ordinance to establish an armory for
the 1st volunteer regiment, - - - § 201

CHAPTER XXII.—*Milk.*

An ordinance to prohibit the sale of im-
pure milk, - - - - - § 205

CHAPTER XXIII.—*Patrol.*

An ordinance to establish citizens' patrol, § 207

CHAPTER XXIV.—*Pawnbrokers.*

An ordinance concerning pawnbrokers, - § 211

CHAPTER XXV.—*Police.*

An ordinance respecting the city police.

ARTICLE I. General regulations, - - § 214

ARTICLE II. City prison, - - - § 227

ARTICLE III. Secret fund, - - - § 236

CHAPTER XXVI.—*City Porter.*

An ordinance creating the office and defining the duties of city porter, - - § 239

CHAPTER XXVII.—*Powder.*

An ordinance to regulate the keeping of gunpowder, - - - § 241

CHAPTER XXVIII.—*Property of the City.*

An ordinance respecting the city property.

ARTICLE I. Municipal buildings, - - § 251

ARTICLE II. Public squares, - - - § 263

ARTICLE III. City property, - - - § 271

CHAPTER XXIX.—*Public Pounds.*

An ordinance to provide for the impounding of animals, - - - § 275

CHAPTER XXX.—*Public Safety.*

An ordinance defining offences affecting public safety or convenience. - - § 289

CHAPTER XXXI.—*Public Morals.*

An ordinance prohibiting vagrancy, quarrelling, riotous, immoral and disorderly conduct, - - - § 292

CHAPTER XXXII.—*Sabbath.*

An ordinance to regulate the observance of the Christian Sabbath, - - - § 298

CHAPTER XXXIII.—*Shows, Theatres, Exhibitions.*

An ordinance to regulate shows, theatres, exhibitions, &c., - - - § 308

CHAPTER XXXIV.—*Street Railroads.*

An ordinance to regulate the building of
passenger railways in the city of Mobile
and their uses, - - - - - § 314

CHAPTER XXXV.—*Streets.*

An ordinance regulating streets.

ARTICLE I. To establish, open and repair
streets, - - - - - § 328

ARTICLE II. Regulation of streets, - - - § 333

ARTICLE III. Shelling, paving and planking
streets, - - - - - § 344

ARTICLE IV. Regulation of side-walks, - - § 352

ARTICLE V. City engineer, - - - - - § 363

ARTICLE VI. Street Commissioner, - - - § 369

CHAPTER XXXVI.—*Taxes and Taxation.*

An ordinance to provide for the assessment
and collection of taxes.

ARTICLE I. Assessor and assessment of
taxes, - - - - - § 370

ARTICLE II. Tax collector and collection of
taxes, - - - - - § 181

ARTICLE III. Assessment and collection of
license taxes, - - - - - § 388

CHAPTER XXXVII.—*Treasurer.*

An ordinance to provide for a city treasurer, § 395

CHAPTER XXXVIII.—*Water Works.*

An ordinance respecting the city water
works, - - - - - § 397

CHAPTER XXXIX.—*Wharves.*

An ordinance respecting wharves, and the
wharf and water fronts, - - - - - § 407

CHAPTER XL.—*Work House.*

An ordinance establishing a work house,
house of correction, and working for the
benefit of the city; and prescribing
rules and regulations therefor, - - - § 416

And that all ordinances and parts of ordinances conflicting with the ordinances contained in this Code of Ordinances, be and the same are hereby repealed.

§ 2. That this ordinance and Code of Ordinances shall not take effect until the mayor shall make proclamation thereof, stating the day that it shall be in force.

§ 3. All licenses, fees, taxes, charges, salaries, commissions, required to be paid or received, by any existing ordinance, and not herein changed, shall remain as they now are until otherwise provided.

APPROVED July 13th, 1866.

J. M. WITHERS, *Mayor*.

Attest:

WITFIELD TURNER, *City Clerk*.

PROCLAMATION.

MAYOR'S OFFICE, CITY OF MOBILE, }
July 16, 1866. }

WHEREAS, By the code of ordinances for the city of Mobile, heretofore adopted by the boards of aldermen and common council, and approved by the Mayor on the 13th day of July, 1866, it is provided therein that said code of ordinances, styled "The Code of Ordinances of the City of Mobile, compiled by Reuben A. Lewis, pursuant to an order of the Mayor, Aldermen and Common Council," "shall not be in force or take effect until the Mayor shall make proclamation thereof, stating the day that it shall be in force."

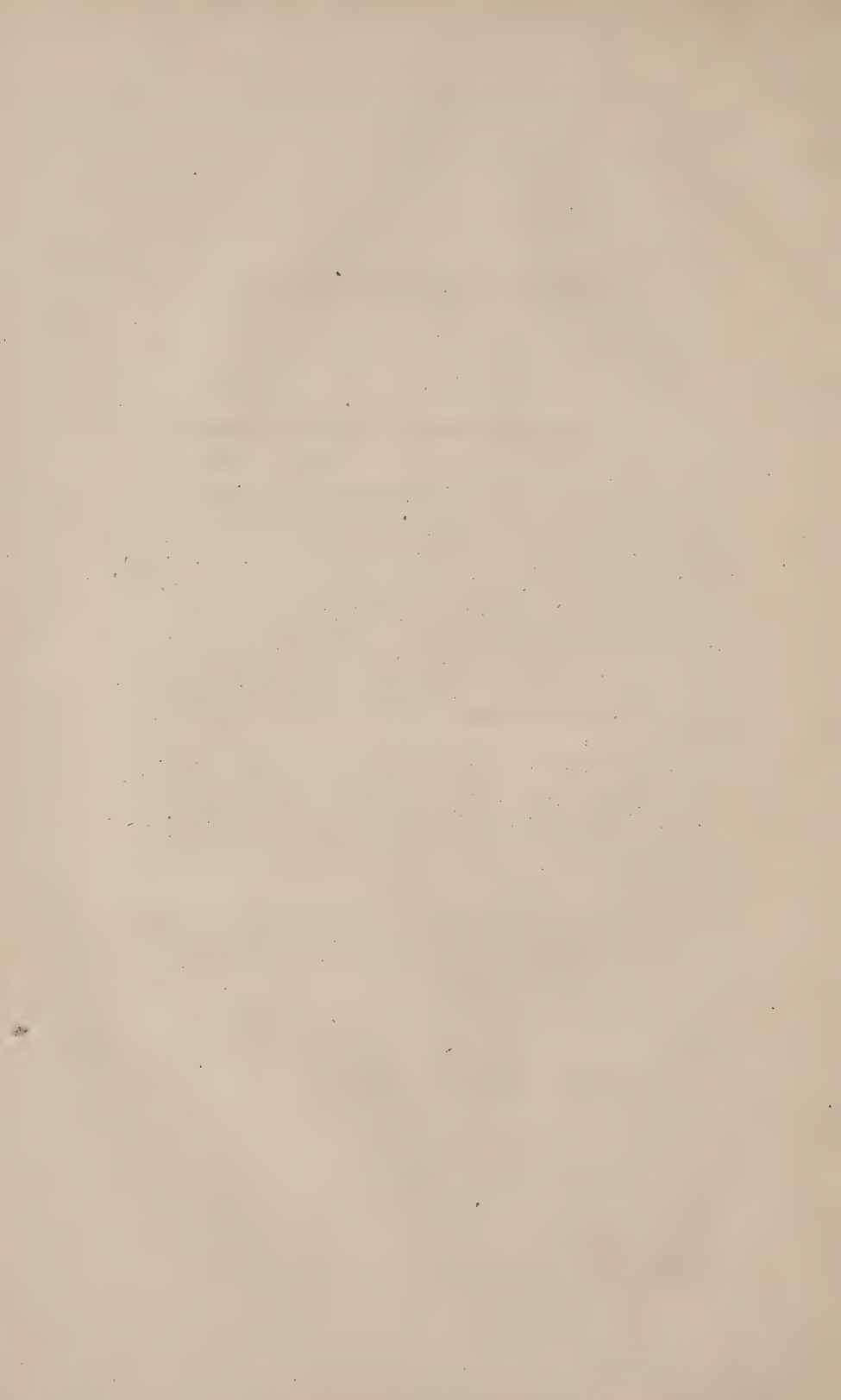
Now, therefore, be it known that I, JONES M. WITHERS, Mayor of the City of Mobile, do hereby declare and proclaim that said code of ordinances, adopted and approved as aforesaid, shall be in full force and effect on and after the 23d day of July, A. D. 1866.

{ L. S. } In witness whereof, I have hereunto set my hand and caused the seal of the City of Mobile to be affixed. Done at the Mayor's office, in said City, on the 16th day of July, A. D. 1866.

J. M. WITHERS, *Mayor*.

Attest:

WHITFIELD TURNER, *City Clerk*.



ORDINANCES.

CHAPTER I.

ORDINANCES.

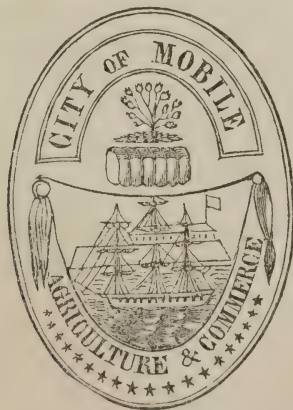
An Ordinance respecting Ordinances.

ARTICLE I. CITY SEAL.

- " II. PUBLICATION OF ORDINANCES.
 - " III. MODE OF ENFORCING.
 - " IV. GENERAL PROVISIONS.
-

ARTICLE I. CITY SEAL.

§ 1. *Be it ordained*, That the seal heretofore used by the City seal.
city of Mobile, here represented,



shall be and is hereby established, and declared to have
been, and now to be, the seal of the city of Mobile.

ARTICLE II. PUBLICATION OF ORDINANCES.

- City printer. § 2. *Be it ordained*, That there shall be a city printer elected annually in convention, who shall receive such salary, and give such bond, as may be determined from time to time by the corporate authorities.
- Duties of. § 3. It shall be his duty to print and publish in some newspaper published in the city of Mobile, all laws, ordinances, by-laws, resolutions, and the proceedings of the boards of aldermen and common council and conventions, and all other public acts, relating to the general weal, officially made, enacted, ordained or passed by the said mayor, aldermen and common council of the city of Mobile, at each session, last held by them, before said publication, within three days after the same has been passed by either board: and further to print and publish in such manner, and for such time, as the mayor of the city shall direct, all advertisements, notices or other acts, (except tax lists,) as may be deemed necessary, expedient, or proper by the mayor, aldermen and common council of the city; all of which printing must be inserted on the second or third pages of said official journal as now constituted, and not elsewhere.
- Ordinance not in force until published. § 4. That unless otherwise expressly provided, no ordinance, nor repeal of an ordinance, shall be of force until three days after its publication, excluding the first day of publication.
- Printer to have a reporter at each regular and called meeting of boards and convention. § 5. It shall be his duty to have present at each regular and called meeting of the boards of aldermen and common council, and at every meeting of the boards in convention, some competent person as a reporter, who shall faithfully and correctly report all of the proceedings of said bodies, which shall be published within three days after such meetings or convention; any failure to comply with the provisions of this ordinance (without good excuse shown) shall subject the city printer to such fine as the mayor may impose, not exceeding fifty dollars.
- Penalty.

ARTICLE III. MODE OF ENFORCING.

- Mayor to try offences. § 6. *Be it ordained*, That all fines, penalties, forfeitures and recoveries, for violations of any ordinance or by-law of the city of Mobile, may be tried and determined before

the mayor, or any one of the aldermen or common councilmen, of the city, and shall be for the use and benefit of the city of Mobile.

Fines to be for the city.

§ 7. That in all cases where the mayor or any one of the aldermen or common council of the city of Mobile, regularly sitting for the trial of offenders against the laws and ordinances now existing, or which may be hereafter ordained or passed, shall in accordance with such laws and ordinances impose any fine, penalty or forfeiture upon any person, for the breach thereof, and such person shall not comply with and perform the judgment imposing such fine, penalty or forfeiture, he shall be committed to the city prison, work-house, or house of correction, until discharged by law, not to exceed the term of thirty days for any one offence; the time to be determined by the officer trying the offender: *Provided*, That any person may give bond, with good and sufficient security, for the payment of any fine or penalty, within thirty days from the imposition thereof, or he may appeal to the city or circuit courts any such fine or penalty, by giving bond in the sum of one hundred dollars, as in case of appeals from justices' courts; and upon giving either of said bonds, or the payment of the fine or penalty imposed by the mayor, he shall be discharged. If the bond is not paid at the expiration of thirty days, it shall be the duty of the city clerk to issue execution against all the obligors on the bond, returnable within twenty days from the test thereof, directed to any police officer, which shall be levied and collected as executions from justices' courts. That for the issuance of the execution the city clerk shall be entitled to a fee of one dollar, and for the collection of the execution the police officer shall be entitled to a fee of two dollars, which shall be taxed in the execution and paid by the defendant; and if the property levied on is sold, the necessary expenses of the sale, including advertising, shall be taken out of the proceeds of the sale.

Imprisonment or labor when fine is not paid.

Defendant may give bond.

Clerk may issue execution on forfeited bond.

Fees of officers.

§ 8. When the mayor or any one of the aldermen or common council shall be holding court for the trial of offenders, and any contempt shall be committed by any person, in the presence of the court or about or in the immediate vicinity of the room in which the court is held, such person shall be fined six dollars, and may be impris-

Contempts punished.

oned six hours in the city prison, one or both, for each offence.

Construction of ordinances.

§ 9. In all cases where fines, penalties or forfeitures are imposed, they shall be for, and shall extend and apply to each and every act or omission, and for each and every day's continuance of such act or omission, when it is of a continuing character, and in addition thereto, the mayor is authorized, when in his opinion the welfare of the city requires it, to remove or cause to be removed to any other place within, or out of the city, any and all persons, vessels, goods, property, obstructions, erections and nuisances, that are forbidden by any of these ordinances, to be or remain in the city or any part thereof, at the expense of the offender.

Power of mayor to remove nuisances.

Selection of law to be observed.

§ 10. In all cases where the act, duty, or omission may be made punishable, or shall be created by different clauses or sections of the ordinances of the city, the officer trying the case, may elect under which to proceed, and the subsequent proceedings that shall be had against the person must be in reference to such clause or section.

Fine from one to fifty dollars.

§ 11. In all cases where the doing of any act, or the omission to do any act or duty, is required or enjoined, and there shall be no fine, penalty or forfeiture declared for it; and in every case where there has been a breach of any city ordinance, now existing or hereafter adopted, every person convicted thereof shall be fined not less than one, nor more than fifty dollars.

Bond to keep the peace in certain cases.

§ 12. In all cases where there is reason to apprehend a breach of the peace, or the violation of any ordinance, or where any person is convicted of any violation of any of the ordinances, the officer examining the cause, may require bond with sufficient security, in such an amount as he shall deem reasonable, that such person shall be of good behavior, for a term not exceeding twelve months, and if such person refuse or fail to give such bond, he may be confined to labor for such time as the officer may determine, until he give the bond, not exceeding four calendar months.

And where such person is a minor, the parent, guardian or employer of the minor, may give or cause the bond to be given.

Acting mayor.

§ 13. When any power shall be vested in the mayor, or he is required to do any act or perform any executive func-

tion, by these ordinances, or any other ordinance, it shall be done by the acting mayor.

§ 14. That no suit, proceeding, right, fine, penalty or forfeiture instituted, created, given, secured or accrued under any ordinance previous to its repeal, shall in any way be affected, released or discharged, but may be prosecuted, enjoyed and recovered, as fully as if such ordinance had continued in force, unless otherwise expressly provided.

No proceeding shall be affected by the repeal of any ordinance.

§ 15. That all summons may be in the following form: Form of summons.

STATE OF ALABAMA, }
City of Mobile } *Mayor's Office.*

To any Police Officer of the City of Mobile :

You are commanded to summon _____ to appear before me on _____, the _____ day of _____, 18 _____, at the mayor's office of the city of Mobile, to answer to a charge of _____

when you will then and there make return of this summons.

Issued, Mobile, _____, 18 _____.

J. M. WITHERS, *Mayor.*

§ 16. Or for a warrant of arrest:

Form of warrant.

STATE OF ALABAMA, }
City of Mobile. } *Mayor's Office.*

To any Police Officer of the City of Mobile, or to any lawful officer of the State :

Complaint on oath having been made before me, that the offence of _____ has been committed, and accusing _____ thereof,

You are therefore commanded forthwith to arrest and bring him before me.

Dated _____ of _____, 18 _____.

Signed, J. M. WITHERS, *Mayor.*

§ 17. And all executions:

Form of executions.

STATE OF ALABAMA, }
City of Mobile. } *Mayor's Office.*

To any Police Officer of the City of Mobile :

You are hereby commanded of the goods and chattels of _____ you make the sum of _____ dollars, which the mayor, aldermen and common council, recovered in the mayor's court of him on the _____ day of _____, 18 _____, besides

the costs; and make return to the mayor on the day
of , 18 , at the mayor's office in your city, how you
have executed this writ.

Witness my hand this day of , 18 .

WHITFIELD TURNER,

Clerk of said City.

Bond for breach
of city ordi-
nance

§ 18. Where a person is held to bail for a breach of the
city ordinances, the bond shall be in substance as follows:

STATE OF ALABAMA, } We,

City of Mobile. }

agree to pay the mayor, aldermen and common council of
the city of Mobile the sum of one hundred dollars, unless
the said appear before me or some one of the alder-
men or common council, at the mayor's office on the
day of , 18 , to answer to a charge of ,
and to appear from day to day thereafter, until discharged
by law.

[L. S.]

[L. S.]

[L. S.]

Approved,

JONES M. WITHERS, *Mayor.*

Bail to answer
criminal charge

§ 19. Where a person is held to bail to answer for an
offence against the laws of the State, the bond shall be in
substance as follows:

STATE OF ALABAMA, } We,

Mobile County. }

agree to pay to the State of Alabama dollars, unless
the said appear at the next term of the city court
of Mobile, for Mobile county, and from term to term, there-
after, until discharged by law, to answer to the offence
and that he shall keep the peace and be of good
behavior, until so discharged.

Mobile, 18 .

[L. S.]

[L. S.]

[L. S.]

Approved,

JONES M. WITHERS, *Mayor.*

Note.

NOTE. § 3681.—The qualifications of bail are as follows:

1. Each of them must be a resident of and a householder, and a freeholder, within
the State. 2. They must each be with the amount, expressed in the undertaking,
exclusive of property exempt from execution; but the court, magistrate or officer, in
taking bail, may allow more than two bail to justify severally in amounts less than
that expressed in the undertaking, if the whole justification be equivalent to two
sufficient bail.

§ 20. Where a party is fined by the mayor, and desires to give a stay bond for thirty days, it shall be substantially as follows: Defendant may give stay bond.

STATE OF ALABAMA, } We,
 City of Mobile. }

are held and firmly bound unto the mayor, aldermen and common council of the city of Mobile, in the sum of (one hundred) dollars, which we jointly, severally and firmly, bind ourselves, our heirs and assigns, to pay. Sealed with our seals, and dated this day of , 18 .

The condition of the above obligation is such, that whereas, the above bounden was, on the day of , 18 , fined by the mayor, or acting mayor, of the said city, the sum of dollars, for the breach of a city ordinance.

Now, if the said shall, within thirty days from this date, pay to the said mayor, aldermen and common council, the said sum of dollars, the amount of said fine, then this obligation to be void, else to be and remain in full force and effect.

[L. S.]

[L. S.]

[L. S.]

§ 21. When party has been fined by the mayor, and fails to pay the fine or give bond, the form of commitment shall be as follows: Form of execution.

STATE OF ALABAMA, }
 City of Mobile. } *Mayor's Office.*

Mayor's Court of Mobile, held , 18 .

To any Police Officer of the City of Mobile:

You are hereby commanded to take the body of , and him safely keep for the term of days, in the , unless the following fine and cost are paid:

THE MAYOR, ALDERMEN AND COMMON COUNCIL OF MOBILE,	} Convicted of
vs.	} Fine, \$50.
	} Expenses of Prison
	} keeping, \$

Issued this day of , 18 .

JONES M. WITHERS, *Mayor.*

§ 3682.—In all cases in which there is a reasonable doubt as to the sufficiency of the bail, the court, magistrate, or officer, must require them to answer fully on their oaths as to their qualifications.

ARTICLE IV. GENERAL PROVISIONS.

§ 26. *Be it ordained*, That where the word “conven- Convention.
tion” is used in these ordinances, it shall mean a conven-
tion of the mayor, aldermen and common council of the
city of Mobile, or in the absence of the mayor, the acting
mayor shall be the presiding officer of the convention.

§ 27. That the words used in these ordinances in the Meaning of cer-
tain words in
this code, past
or present.
Masculine gen-
der, singular
and plural.
past or present tense, include the future as well as the
past or present. Words used in the masculine gender
include the feminine and neuter. The singular includes
the plural, and the plural the singular, the word “person” Person.
includes corporation, as well as natural person, writing Writing.
includes printing on paper, oath includes affirmation, Oath.
signature or subscription includes mark, when the person Signature.
cannot write, his name being written near it and witnessed
by a person who writes his own name as a witness.

The word “property” includes real and personal pro- Property.
perty.

The words “real property” are co-extensive with lands, Real property.
tenements, hereditaments and permanent fixtures thereto.

The words “personal property” include money, goods, Personal prop-
erty.
chattels, things in action, evidences of debt, bills, bonds,
notes, deeds, and conveyances.

The word “vessel” shall include steamboats, steamers, Vessel.
boats, barges and all water craft.

§ 28. That the municipal year shall commence on the Municipal year.
first Monday in January in each year.

The municipal year for the commencement of the terms
of officers, not otherwise expressly provided for, shall
commence on the first day of January, in each year.

§ 29. All official bonds shall be made payable to the Official bonds.
mayor, aldermen and common council of the city of
Mobile, and shall require security, and be conditioned
“Faithfully to perform the duties of his office according
to the provisions of the charter of the city of Mobile, and
all orders, ordinances, by-laws, and resolutions of the
mayor, aldermen and common council of the city of
Mobile now in force or hereafter to be made, to the
satisfaction of the said mayor, aldermen and common
council.”

Official bond.

§ 30. The form of the bonds of the city officers and agents shall be in substance as follows :

STATE OF ALABAMA, }
City of Mobile. } *Mayor's Office.*

We, _____, acknowledge ourselves to be indebted to the mayor, aldermen and common council of the city of Mobile, and their successors in office, in the sum of _____ dollars, for the payment of which, we bind ourselves and our heirs, executors, administrators, and assigns, jointly and severally, by these presents.

Signed with our hands and sealed this _____ day of _____, in the year of our Lord one thousand eight hundred and _____

On the condition, that whereas, the said _____, was on the _____ day of _____, A. D. 18 _____, elected (or appointed) by the (mayor, aldermen and common council) of the city of Mobile, _____, for the municipal year ending on the thirty-first day of December, 18 _____.

If he shall well and truly execute and perform all of the duties of the said office according to the provisions of the charter of the city of Mobile, and all orders, ordinances, by-laws and resolutions of the said mayor, aldermen and common council of the city of Mobile, now in force or hereafter made, to the satisfaction of the said mayor, aldermen and common council, then this obligation to be null and void, otherwise to remain in full force and effect.

[L. S.]

[L. S.]

[L. S.]

[L. S.]

Witness.

A. B.

B. C.

Form of oath.

§ 31. Every officer in the service of the city shall take the following oath (or affirmation) before he shall discharge any of the duties of his office :

I solemnly swear, that I will support the Constitution of the United States, and of the State of Alabama, and the charter and ordinances and by-laws of the city of Mobile, while I remain a citizen thereof, and that I will

truly and faithfully execute and discharge the duties of
of the city of Mobile to the best of my
knowledge and ability, so help me God.

Subscribed and sworn to before me, }
this day of , 18 }

JONES M. WITHERS, *Mayor*.

§ 32. When any vacancy occurs in any office, it shall be filled at once. In the case of the mayor or any one of the aldermen or common council, as is provided by the charter.

Vacancies, how filled.

In all other cases, by the body or persons originally electing or appointing.

And the mayor is authorized to fill all vacancies until such election or appointment.

In every case, the mayor is authorized and empowered to suspend any officer or agent of the city from the discharge of any or all of his duties, until (where the officer is elected by the convention) the boards of aldermen and common council shall direct such officer to resume his duties.

Mayor may suspend officers.

In all other cases, for such time as he may see fit, or he may remove such person from office.

Mayor may remove.

§ 33. That a complete record shall be kept in the office of the clerk of the city, of every ordinance, by-law and joint resolution of the city, with the date of approval and publication, and all proclamations of the mayor, with full and complete indexes thereto.

Record of ordinances, &c., to be kept in the clerk's office.

CHAPTER II.

ATTORNEY FOR THE CITY.

An Ordinance to create and define the duties of City Attorney.

§ 34. *Be it ordained*, That there shall be elected annually by the convention, a city attorney, whose duties shall be

Election of attorney and duties.

To institute and carry on all actions at law, and in equity, in favor of the city, to final judgment, and to defend all suits brought against the city where a defence should be made.

Conduct suits.

Appear and attend at police court when requested by the mayor.	To appear before the police court, when notified by the mayor, and prosecute all persons charged with a violation of any law or ordinance of the city.
Investigate titles.	To investigate all titles on behalf of the city, when requested, and furnish reports thereof.
To give opinions	To give his opinion in writing on questions of law to the mayor, and boards of aldermen and common council, whenever requested.
To write contracts.	To reduce to writing all contracts where the city is a party, and approve such written contracts before the same are perfected.
To inform the mayor.	To furnish the mayor with a statement in writing, if required, previous to the trial of every case pending, where the city is interested, fully advising him as to the legal points, the testimony necessary for the city, and all other confidential matters, relating thereto.
To inform the mayor and boards.	To furnish the mayor and both boards with a written statement of suits pending, wherein the city is interested, at least twice in each year, and oftener if necessary.
To pay over all money.	To pay over all money collected by him as attorney for the corporation, within five days after the collecting thereof.
Attorney to keep record of opinions and account book.	§ 35. He shall keep a record of all official opinions given by him in writing, with the request therefor, and an index thereto; and an account book, showing all claims placed in his hands for collection, all moneys received by him on account of the city, and all payments made by him into the city treasury.
Also, a docket of cases.	He shall also keep a book or docket in which he shall enter an abstract of all suits pending, and all judgments in favor of, or against the city, in tabular form, substantially as follows: Names of parties, suits when brought, in what court, nature of action, names of witnesses, abstract of proof for the city, what steps taken at last term, what preparatory steps necessary for next term, cause of continuance at last term, amount of judgment, date of execution, to what officer delivered, when returnable, the judgment how satisfied, or what other return, remarks, &c.; all of which books and docket shall be delivered by him to his successor in office.
Books to be delivered to his successor in office.	
Books to be provided by the city.	It shall be his duty, as soon as practicable after the passage of this ordinance, to procure the books above indicated, at the expense of the city, and to enter on the docket

book all judgments remaining unsatisfied in favor of the city, and to use all practicable and proper efforts to collect the same.

That for the collection of all judgments rendered, prior to his election, he shall be entitled to a commission of ten per cent. Fees for collection.

Assistant counsel may be employed in any case, at the discretion of the mayor and the presidents of the two boards. Assistant counsel may be employed.

§ 36. That he shall give such bond, and be paid such salary, payable quarterly, as the corporate authorities may from time to time determine. Bond and salary.

CHAPTER III.

An Ordinance to regulate and prohibit Balls, Bells, Drums, Fire Crackers, Rockets and Kites.

§ 37. *Be it ordained*, That it shall not be lawful for any person to give or hold any masked or other public ball, or any party where licentious or disorderly persons may congregate within the city, unless with consent of the mayor in writing, under penalty not exceeding fifty dollars. Masked or public balls not to be given unless permitted by mayor.

§ 38. That no person shall ring any bell within the city of Mobile, larger than an ordinary hand bell, except it be church bells, tavern, shipping, or steamboat bells, and bells giving an alarm of fire, insurrection or riot, and the market bell, under penalty not exceeding twenty dollars. Bells larger than a hand bell not to be rung.

§ 39. That no drum shall be beaten in the city, except on occasions of military, fireman and society parade, under penalty of not exceeding twenty dollars. No drum to be beaten except—

§ 40. That it shall not be lawful for any person to fly any kite in the city of Mobile, under penalty of not exceeding fifty dollars. Unlawful to fly kite.

§ 41. That it shall not be lawful for any person to discharge or explode any fire crackers, rockets or fire works, in the streets or on the side walks, without the consent of the mayor, under penalty of not exceeding twenty dollars. No person shall explode fire crackers or rockets, &c.

CHAPTER IV.

BURYING GROUNDS.

An Ordinance regulating Burying Grounds.

ARTICLE I. GENERAL REGULATIONS.

" II. CITY SEXTON AND HIS DUTIES.

ARTICLE I. GENERAL REGULATIONS.

- Established. § 42. *Be it ordained*, That the three lots of land lying in the city of Mobile, and now used as burial places, be and are hereby established as public burying grounds.
- Bodies not to be buried at any other place. § 43. That the bodies of deceased persons shall not be buried at any other place within the limits of the city, under penalty of not exceeding fifty dollars.
- Persons owning lots shall conform to regulations. Penalty, § 44. That all persons owning lots in said cemeteries shall in fencing the same and in planting trees or shrubs, conform to the regulations adopted by the city, under penalty of twenty dollars, and such fence, tree or shrub shall be removed.
- Unlawful to tie horse or mule to any tree or shrub, § 45. That it is unlawful to hitch or tie any horse, mule, or other animal to any ornamental tree or shrub, that is or may be planted in either of the burying grounds, under penalty of ten dollars.
- Treasurer shall open an account, "the cemetery fund." § 46. That the city treasurer shall open an account to be known as the cemetery account; crediting such account with all money received from the city clerk for the sale of lots and permits, orders, &c., and charging the same, with the amount paid to city sexton, clerk, and expenses properly appertaining thereto. It shall be his duty to pay to the city sexton monthly, on an order signed by the mayor, all money reported by the sexton for fees for interments in the city cemeteries, first deducting therefrom twenty per cent. of said amount.
- To pay to sexton monthly.
- To improve grounds. This sum of twenty per cent., together with all other sums accruing under this ordinance, shall be set apart for the improvement and embellishing of the city cemeteries.

Two hundred dollars of it shall be first set apart for the extra payment of the city clerk. \$200 for clerk.

The amount received for embellishing the city cemeteries shall be expended under the direction of the joint committee of public grounds and property, who shall report such expenditures to the boards. Improvements to be made by committee of public grounds.

The treasurer shall pay the amount so expended on an order signed by the mayor and chairman of the committee. How expended.

The treasurer shall make monthly reports to the boards of the receipts and expenditures of the cemetery fund. Treasurer to make monthly reports.

ARTICLE II. CITY SEXTON AND HIS DUTIES.

§ 47. That there shall be elected annually in convention a city sexton, who shall give such bond and receive such fees or compensation as the corporate authorities may from time to time determine. Sexton elected. Bond.

His duty shall be to take care that the walls and fences are not injured.

To keep the walks and inclosures of the cemetery clean and in good order. Keep walks, &c., clean, &c.

To permit no encroachments to be made therein, and no defacing of tombs or monuments, or profanation of any kind to take place.

He shall direct or oversee the digging of all graves and cause each grave to be dug at least five feet deep, and to be placed in conformity to the plan or plot of the grounds and avenues, and to be so dug that all monuments may face the respective avenues, unless otherwise directed by the mayor. Direct the digging of graves, &c.

The decision of the mayor shall be his guide in all cases of disagreement with any lot owner. Mayor to decide disputes.

He shall cause every grave to be properly covered, and every tomb or vault properly opened and closed; and in case of the removal of a body from the graveyard, by any other than the city sexton, he shall first be notified, and the city sexton shall record the removal and see that the grave or vault is properly filled or closed; and if the removal be from one lot to another in the graveyard, it shall be done by the city sexton exclusively, and he shall receive reasonable compensation therefor. He shall be notified of the opening of graves and vaults, and the removal of bodies.

- Keep map. He shall keep a map of the grounds with all the names of the lot owners, names of avenues and walks, which map must be kept clean and neat, and at the expiration of his term of office, shall be deposited by him with the city clerk.
- Paupers to be buried. § 48. The city sexton shall bury such paupers, free of charge to the city, as the corporate authorities may from time to time determine, and shall furnish a plain pine coffin therefor, and carry the corpse from any point in the city to the new cemetery and there deposit it in the grave.
- No body to be interred without a certificate of name, age, sex, &c. § 49. That no "body" or "corpse" shall be removed for interment in the city cemeteries, or in any cemetery out of the city, without first having obtained the certificates of the attending physician, or of two citizens, stating the name, age, sex, color, nativity, disease of the deceased, and date of death, and if the physician refuses or neglects to give such certificate, he shall be fined such sum as the mayor may impose, not exceeding fifty dollars. Or in case of death by murder, fraud, force, violence, or casualty, then the certificates of the coroner, or jury, which certificate shall be presented to the city clerk, who shall thereupon enter the particulars set forth in the certificate, the number of the lot or place wherein the corpse is to be interred, in a book properly kept, known as the "register of deaths;" the clerk shall then issue the permit and order for burial directed to the sexton, and require the payment of such fees as the corporate authorities may from time to time determine.
- Physician shall give certificate.
- In case of murder or violence.
- Clerk to make register of deaths and order burial.
- In case of sickness of clerk, sexton may act. In case of sickness of the clerk, and on the Sabbath day, he may provide the sexton with blank permits to be used when necessary.
- The sexton shall be held accountable for their lawful application in the same manner and to the same extent as the clerk.
- City clerk shall pay money received to treasurer weekly. Shall keep map. The city clerk shall pay over to the city treasurer weekly all moneys received by him by virtue of this ordinance, and shall make report of the same to the boards. He shall keep a map similar to the one kept by the sexton, upon which he shall make the same entries. It shall be his duty to sell any lot or lots, and issue deeds therefor.
- He shall sell the lots, &c.
- Salary of clerk. For all of which services he shall receive the sum of two hundred dollars per annum, payable quarterly out of the cemetery fund.

It shall be the duty of the city sexton to keep at his office a copy of the "register of deaths," and to make a monthly and annual report to the boards of aldermen and common council of all of the particulars contained therein.

Sexton to keep copy of register of deaths, and make monthly reports.

It shall not be lawful for the city sexton to be interested either directly or indirectly in the purchase or sale of any lot in the city cemeteries except for his own family use.

Not to be interested in any lot.

For the violation of any of the provisions of this ordinance, he shall be fined not exceeding fifty dollars.

The clerk shall issue permits for the burial of paupers without any fee, but he shall require a certificate from the sexton, signed by the attending physician or by two credible citizens, that deceased was a pauper.

Clerk to issue permits.

CHAPTER V.

CARTS, DRAYS, WAGONS.

An Ordinance respecting Carts, Drays, Wagons, &c.

§ 50. *Be it ordained*, That the owner of each and every dray, cart or wagon kept for hire or employed in hauling, or used for any purpose within the limits of the city, shall obtain a license to run such dray, cart or wagon, to be issued by the mayor under the seal of the corporation, and countersigned by the clerk, and shall give such bond, and pay such sum for said license per annum as the corporate authorities may from time to time determine.

License.

Bond.

The clerk shall number said licenses, beginning with No. 1, for each, and terminating in each case with the highest number issued during the term of one year, commencing on the first days of January, April, July or October of each year, and terminating first day of January thereafter.

Clerk shall number.

This ordinance shall not extend or apply to wagons and carts employed in hauling for the owner, the products of his farm, and wagons and carts used for private family use where no money is received, nor to carts employed solely in the service of the city.

Not to extend to produce wagons, &c.

§ 51. That the owner of every dray, cart or wagon required to take out a license, shall cause the same to be numbered on both sides with the number of the license

Owner to number dray, &c.

issued for said dray, cart or wagon, with plain and conspicuous figures, such as may be furnished by the clerk of the city.

No dray, cart or wagon shall be used without being so licensed and numbered.

Clerk to keep a book of names.

§ 52. That the clerk of the city shall keep a book in which he shall enter the names of all owners of drays, carts or wagons, and the number and date of each license, and also a book in which shall be entered all the bonds given by them for the faithful performance of their duties as public carriers, which book shall also contain a complete index of the names of the principal and sureties.

Bonds given shall be entered and kept in a book.

Transfers to be entered.

That every sale or transfer of any dray, cart or wagon shall be made known to said clerk at his office, and he shall make an entry thereof; and if the owner fail or neglect to notify the clerk, of the sale or transfer, within five days thereafter, the license is declared to be forfeited.

Driver of cart or dray compelled to take load.

§ 53. That every driver of a cart or dray used for public hire, when unemployed, shall go to any place in the inhabited part of the city to which he may be directed, and there load his cart or dray, and shall not refuse to take such load to such other place in the inhabited parts of the city as he may be required, under penalty of not exceeding fifty dollars.

Penalty.

Load defined.

§ 54. That every driver of a cart or dray shall, if required, take upon his cart or dray a full load and no more.

A full load is 3 bales of cotton.

5 barrels or 20 kegs of lard.

1 hogshead of tobacco.

30 bushels of corn.

1 hogshead or 5 barrels of sugar.

2 tierces of rice.

3 barrels of molasses.

10 coils bale rope.

8 sacks coffee.

12 pieces bagging.

5 barrels pork or other salted provisions.

8 barrels loaf sugar.

5 barrels mackerel.

8 barrels flour.

8 barrels coal.

4 bales hay.

- 8 barrels potatoes.
- 4 bales moss.
- 8 barrels beans.
- 12 kegs nails.
- 10 boxes tobacco.
- 2 casks bacon.
- 5 barrels tar.
- 7 sacks salt.
- 6 barrels rosin.
- 40 bushels of oats.
- 1 pipe brandy.
- 8 barrels apples.
- 2 casks claret or other liquor.
- 4 barrels whiskey or other liquors.

And a load of any article not enumerated, or of which only a part is enumerated, shall not exceed in weight fifteen hundred pounds.

§ 55. That every driver of a cart or dray shall be entitled to demand and receive of the person who employs him such fees or compensation as may from time to time be determined by the corporate authorities.

Drayage and cartage fee.

Any person who shall charge more than the rates fixed by the corporate authorities, or shall otherwise violate the provisions of this ordinance, or who shall act improperly or corruptly in the performance of his duty as a public carrier, he shall be fined in such sum as the mayor may impose, not exceeding fifty dollars, and the mayor may, at his discretion, revoke his license.

Penalty.

§ 56. That every driver of drays, carts, wagons, and carriages of burthen or pleasure, driving in and through the streets, lanes and alleys in the city of Mobile, where there is sufficient room for two to pass, shall keep on that side of the street, lane or alley which is on his right hand in the passing direction, under such penalty as the mayor may impose, not exceeding fifty dollars.

Mayor may revoke license for overcharging, &c.
Driver of cart, dray, wagon, &c., to keep on right side of road.

Penalty.

§ 57. That no person shall sit or stand in or upon any dray, cart, wagon or carriage of burthen or pleasure, or on any horse or beast harnessed thereto, unless he shall have strong reins or lines fastened to the bridle of the horse or beast, and held in his hands, sufficient to guide and restrain them from running, galloping or going at immoderate speed through the streets, lanes, or alleys of the city.

Shall have strong reins.

Not to gallop,
&c.

That no person driving or riding any horse or beast in the city shall permit or suffer such horse or beast to go in a gallop or other immoderate gait.

CHAPTER VI.

COACHES, CARRIAGES, CABS, &c.

An Ordinance respecting Coaches, Carriages, Cabs, &c.

License for
cab, &c.

§ 58. *Be it ordained*, That the owner of every carriage, hack, cab, omnibus, buggy, gig, or sulkey, kept for hire or for the conveyance of passengers, shall pay annually in advance into the city treasury, such sum for license or licenses as the corporate authorities may from time to time determine.

Which shall authorize them to run within the city under the regulations and penalties of the city ordinances.

Hack and cab
hire.

§ 59. That the drivers of such vehicles shall be permitted to charge such compensation as the corporate authorities may from time to time determine, and shall not be permitted to charge double rates after 10 o'clock at night.

Penalty for
overcharging
&c.; mayor
may revoke
license.

Any person who shall charge more than the rates fixed by the corporate authorities, or shall otherwise violate the provisions of this ordinance, or who shall act improperly or corruptly in the performance of his duties as a carrier of passengers, baggage, or other property, shall be fined in such sum as the mayor may impose—not exceeding fifty dollars—and the mayor may, at his discretion, revoke his license.

Penalty for
refusing to
carry persons.

§ 60. That any owner or driver of a carriage, hack or cab, who shall refuse either to a number of persons, or to a single person, to convey him or them according to the provisions of this ordinance, shall be fined not less than five nor more than fifty dollars.

To be number-
ed on lamps.

§ 61. That every carriage, hack or cab, shall have the number of the same painted on the lamps, in figures, in a conspicuous manner not less than three inches long and properly proportioned.

§ 62. And said lamps shall be lighted every night, moonlight or dark, at dusk, and continue so lighted while in the streets or elsewhere on hire, under penalty of not less than five nor more than fifty dollars, to be imposed on the owner or driver.

Lamps to be lighted.

Penalty.

§ 63. That it shall not be lawful for any owner or driver of any carriage, hack, cab, buggy or vehicle kept for hire or the conveyance of passengers or otherwise, to occupy with the same, any place or stand in any of the streets of the city, in front of any dwelling house or store, against the consent of the owners or occupants, longer than is necessary to set down or take up passengers, except in the places hereafter designated.

Not to stand in front of any dwelling or store against consent of owner.

It shall be the duty of all drivers of public vehicles, when employed in conveying passengers, and during the time they are waiting for passengers or employers, to conduct themselves in a quiet, peaceable and orderly manner.

Driver shall conduct themselves properly.

To take up and set down their loads as expeditiously as possible; to give way for the drivers of other vehicles to deposit or receive their loads; and not to encumber or block up any passage-way or street; to avoid all collisions or interference with other vehicles, and to avoid all contentions, disputes, altercations and affrays with other drivers or persons.

Duties of drivers.

It shall be the duty of every driver of a public vehicle, while at the stands, to remain in his seat or within ten feet of his horse's head; and on all and every occasion of leaving their vehicles they shall leave their whips in them, and it shall not be lawful for any driver of any vehicle to sleep in the same while on the public stand.

Shall not sleep in vehicle on public stand.

§ 64. That no person shall engage in racing with carriages or public vehicles, or drive at a speed to endanger the safety of persons of passengers.

Any person racing, shall be fined.

§ 65. That every owner or driver of a public vehicle shall obtain from the city clerk a printed copy of this ordinance, and any amendments thereof hereafter made, at the time of getting his license, which he shall keep at all times posted or hung up in a conspicuous place inside of his vehicle for the inspection of his passengers.

Driver to keep a copy of this ordinance posted up in vehicle.

§ 66. That the public stands for carriages, cabs, and other public vehicles for the conveyance of passengers and baggage, and public use, shall be fixed at the following named

Where public stands shall be.

places, viz: On the east side of Royal street, between Government and St. Louis streets, up to 12 o'clock M.; on the west side of Royal street, between Government and St. Louis streets, after 12 o'clock M.; on the west side of St. Joseph street, between Dauphin and St. Francis; on the north side of Government street, between Royal and St. Emanuel streets; and on the south side of St. Louis, between Royal and Water streets; and not elsewhere.

Shall not remain elsewhere only when waiting for load.

Penalty.

Vehicles may stand in front of places of public amusement at night.

And if any owner or driver of any public vehicle stop in front of any store, dwelling, or other house, other than those fronting such public stands for a longer time than is necessary for taking up or putting down a load, or waiting for an engaged load, or shall violate any other provisions of this ordinance, he shall be fined such sum as the mayor may impose, not exceeding fifty dollars: *Provided*, This shall not prevent such public vehicles from standing in front of any places of public amusement at night.

CHAPTER VII.

CHIMNEYS AND CHIMNEY SWEEPS.

An Ordinance to regulate Chimneys and Chimney Sweeps.

Chimney and chimney sweeps. Duty of owners of buildings to have chimney swept.

Penalty for neglect.

§ 67. *Be it ordained*, That it shall be the duty of each owner or occupant of every house, within the limits of the city, to sweep, or cause to be swept, at least once in every three months, every chimney in which he, she, or they habitually keep a fire; and if any chimney shall take fire through neglect of being properly swept and cleansed, the occupant of the house, room, or apartment to which such chimney appertains, shall pay such fine as the mayor may impose, not exceeding fifty dollars.

License may issue to chimney sweep. He shall keep an office.

Compensation.

That upon the application of any person, a license may be granted to carry on the business of a chimney sweep, which shall be deemed a third grade license; and such person shall have an office or place of business where he can be found, or where orders may be left by any resident desiring to have his chimney cleansed, and he shall be authorized to charge for such service such sum as may be just and reasonable.

CHAPTER VIII.

CLERK OF THE CITY.

An Ordinance to create and define the duties of City Clerk.

§ 68. *Be it ordained*, That there shall be annually elected Elected.
 by the convention, a clerk of the city, who shall give such Bond.
 bond and receive such salary as may be from time to time Salary.
 established by the corporate authorities, and keep his Office.
 office in the municipal buildings, where he shall attend
 from 9 o'clock A. M. till 3 o'clock P. M. of each day.

Whose duty shall be:

To keep a correct record of all the proceedings of the Duties.
 board of aldermen and common council.

To attend at all the meetings of the board of aldermen,
 and make proper entries and records of all orders, resolutions,
 ordinances, opinions, and proceedings of the board.

To keep a separate book, in which shall be entered in full
 all ordinances, by-laws, and joint resolutions adopted by
 the city, with full and complete index thereto.

To carefully file and preserve in his office all books and
 papers which may be delivered to him by virtue of his
 office, and to mark and number such papers.

To keep at all times the office free and accessible to any
 person having a right or claim of business therein.

He shall notify the city printer of all called or special Shall notify
 meetings of the board of aldermen, or meetings of a con- city printer of
 vention, and report to the mayor any failure of the city called or special
 printer to have a reporter present at any called or regular meetings of
 meeting of the said board or convention. boards and the
convention.

He shall cause to be printed, on appropriate cards, the Duties of clerk.
 ordinance to regulate "coaches, carriages, cabs, &c.," and
 at the time of issuing a license to any owner, agent or
 driver of a public vehicle, he shall deliver with the license
 a copy of such printed ordinance to such owner, agent or
 driver, to be posted up in each public vehicle; such cards
 shall contain a list of the rates or charges for such public
 vehicles, established by the corporate authorities, conspic-
 uously printed thereon.

Shall keep a bulletin board of all the taxes, fees and charges which affect the public.

He shall, as soon after the passage of this ordinance as practicable, make out and at all times keep on a bulletin board, for public inspection, a complete and accurate list of the rate of taxes on real and personal property and sales, and rates of licenses on business pursuits and professions, and rates of all other fees, deeds and licenses; also a complete and accurate list of the rates of charges allowed to be demanded and received by all owners, agents or drivers of public vehicles, of all kinds, for the conveyance of freight and passengers.

Shall make the appropriate changes on bulletin board.

He shall from time to time, as such taxes, licenses, or other charges are changed by the corporate authorities, make the appropriate change on the bulletin boards, so that the public may at all times, by reference thereto, know what is the law on those subjects.

He shall also, at the same time, make out and furnish to the chief of police a like list, to be kept on a bulletin board at the police office for the inspection of the public, and make the appropriate changes on that list when necessary.

To perform all other duties required by the city ordinances or by-laws.

Fees to be paid to clerk.

§ 69. That he be required to demand and receive the following fees, which shall be paid by the applicant to the clerk, who shall pay the same to the city treasurer:

For issuing license for each dray, cart, wagon, carriage, or other vehicle, - - - - -	\$1 00
For issuing license for retailing spirituous liquors, -	2 00
For any certificate required by any person, - - -	50
For any copy of the records, or of any papers in the office under one hundred words, - - - - -	50
For any copy over one hundred words, at the rate of for the first hundred words, and thirty cents for each additional hundred.	50

To perform all other duties generally, under the direction of the mayor, which clerks of cities are required or accustomed to perform.

CHAPTER IX.

FACTORIES.

An Ordinance to regulate the establishment of Candle and Soap Factories.

§ 70. *Be it ordained*, That no person shall establish with-
in the city, the boiling of any materials for the manufacture
of soap or candles, or any factory of soap or candles, unless
he shall first obtain the written certificate of the board of
health that the location which he has selected for that
purpose, will not prove injurious to the health or comfort
of the neighborhood.

Not to be
established
without license.

This certificate shall be submitted to the mayor, and if
he approve of the location, he shall grant a license for the
establishment of the factory at the place named in the cer-
tificate.

Any person violating this ordinance, shall be fined in
such sum as the mayor may impose, not exceeding fifty
dollars.

Penalty.

CHAPTER X.

FENCES.

An Ordinance to regulate Partition Fences.

§ 71. *Be it ordained*, That all partition fences in the city,
shall be erected, built, and kept in repair, at the joint
expense and cost of the person whose grounds shall be
inclosed or separated thereby.

At the cost of
the owner,
jointly.

That in all cases where any dispute shall arise, as to the
sum or sums of money to be paid by either party for the
erection, building or repairing, any partition fence, the
party aggrieved may complain to the mayor.

Dispute, how
settled.

The mayor shall appoint three respectable freeholders of
the city, as inspectors, whose duty it is, to examine said
fence, and report to the mayor the sum to be paid, and to,
and by whom.

Thereupon the mayor shall make an order, requiring the delinquent, within the term of ten days, to pay to the person to whom the same may be due, the sum so reported, by a majority of the inspectors.

And if the delinquent shall neglect, or refuse, after due notice of the order, to pay said sum of money, the person so neglecting, or refusing, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

CHAPTER XI.

FIRES.

An Ordinance concerning the Fire Department.

ARTICLE I. TO ORGANIZE THE FIRE DEPARTMENT.

“ II. TO ESTABLISH PRECAUTIONARY MEASURES.

“ III. TO ESTABLISH A BOARD TO INVESTIGATE THE ORIGIN OF.

ARTICLE I. TO ORGANIZE THE FIRE DEPARTMENT.

Companies
authorized.

§ 72. *Be it ordained*, That there be established such number of fire engines, hook and ladder, hose and bucket companies, as may be deemed expedient by the city. For the management of each, there shall be a company enrolled and organized agreeably to such by-laws as said companies may deem expedient and proper, for the purpose of compelling the attendance of such members of said companies, in case of fire, or an alarm of fire.

Such companies may elect from their number such officers to command the same as they may deem proper.

The officers, when elected, shall have and exercise the power of compelling the attendance of the members according to the by-laws, and to demand and collect all fines that may be incurred by such by-laws.

Duties of
company.

§ 73. That it shall be the duty of each company to take care of and keep in good order their respective engines, hose, hooks, ladders, and other apparatus, and to have them at all times ready for use.

That each officer, member, honorary member, and the fire wardens of the fire department, shall be exempt from paying a city head tax. Members exempt from poll tax.

§ 74. That it shall be the duty of the foreman or officer in command of each company, to cause their engines and apparatus to be worked at least once in each month, by the company, under penalty of not exceeding fifty dollars. Duty of foreman.

§ 75. That as often as a fire shall break out, the firemen shall repair at once, upon the alarm thereof, to their respective engines or other fire apparatus, and convey the same to the place of the fire, unless otherwise directed by the chief or other engineer, and there, in conformity with the direction given by the chief engineer, manage the engines and other apparatus to the best advantage. Duties in case of fire.

And when the fire is extinguished, shall not remove therefrom but by the permission of the chief or other engineer in command.

§ 76. That no fire engine or other fire apparatus shall be removed or taken from its house unless a member of its company shall be present, under a penalty of not exceeding fifty dollars. No engine to be removed except by a member.

That it shall be the duty of the officers of every fire company to report all violations of this section to the chief or other engineer. Officers shall report any violation of this.

§ 77. That the fire department shall be under the control of one principal or chief engineer, and two persons to be called 1st and 2d assistant engineers. Department under control of chief and 1st and 2d assistants.

They shall be elected from among the fire department annually, on the third Monday of April, by the qualified white firemen of the several fire companies, and the fire wardens of the city. Elected.

Said election to be conducted under the management of an officer or delegate from each fire company, or by any three of said officers or delegates. How.

§ 78. In the event of the death, resignation or vacancy of the office of chief engineer, Vacancy, how filled.

It shall be the duty of the fire department, under the direction of the first assistant engineer, within ten days after such vacancy shall occur, to elect some person to fill the vacancy, in the manner prescribed for the election in April,

And the person so elected shall hold office till the next election in April.

Vacancy, how filled.

§ 79. That if from any cause the office of the first and second assistant engineers or either of them become vacant,

The chief engineer shall, within ten days thereafter, fill the vacancy by his appointment from among the fire department, and the person so appointed shall hold office until the election in April thereafter.

No one but those named shall vote.

§ 80. That no person except fire wardens shall vote at the election for officers of the department who has not been elected a member of one of the companies thirty days previous to said election.

Lists to be furnished.

It is the duty of the secretaries of the companies to furnish an attested list of the members of their companies.

Duties of officers.

§ 81. That the several officers commanding the companies, shall obey all orders of the chief engineer or of the assistants, when emanating from the chief in command, either in time of fire or at an alarm of fire, under such penalty as the mayor may impose, not exceeding fifty dollars.

That the engineer in command shall place himself in the most advantageous and conspicuous station for giving directions to the firemen, and the orders of the engineer so in command shall be paramount to all others.

Duty of engineer.

§ 82. That the engineer in command shall inspect the several fire engines, hose, hooks, and ladders, and other fire apparatus, as often as he may deem necessary, but not less than once in each month.

If any of the engines or apparatus should require any extensive repairs, he shall report the same to the mayor, aldermen and common council, that it may be done at the expense of the city.

He shall make a report of the state of the several companies once in each year, together with the names of all the members of the department, and the companies to which they may belong, which report shall be published in the official journal of the city.

Persons attending fires required to assist.

§ 83. That all persons attending fires, not members of the fire department, may be required to assist the firemen if called on by any officer of the department, or of a company, or by either of the fire wardens.

Any person refusing or neglecting to render reasonable aid shall be fined not exceeding fifty dollars.

§ 84. The chief engineer and the assistants shall be fined Penalties. such sum for any neglect of duty, as the mayor may impose, not exceeding fifty dollars.

§ 85. That the engineer in command shall be authorized, Engineer authorized to remove or pull down building, &c., in case of fire. with the concurrence of the other engineers or of the mayor, or of one of the aldermen or councilmen, to pull down or remove (or cause it to be done,) any building, matter, or thing, which they may deem necessary, in the exercise of a sound judgment, to suppress the ravages of the conflagration.

§ 86. That each of the engineers shall be furnished with Engineer to have a trumpet, &c. a trumpet, and a fire cap such as is now worn, at the expense of the city, not exceeding seventy-five dollars in any one year.

The caps are to be painted blue and lettered "chief engineer," "first assistant engineer," "second assistant engineer."

§ 87. That to all such companies as fully conform to all ordinances of the city, adopted for their government, there shall be appropriated annually on the first of April, out of any moneys in the treasury, not otherwise appropriated: Annual appropriations to each company.

To the fire engine companies five hundred dollars each.

To the Mobile hook and ladder company the sum of two hundred dollars.

Payable quarterly thereafter on the order of the foreman, countersigned by the secretary.

§ 88. That no company shall permit any person to become a member of it, under the age of eighteen years, No person to be a member who is under 18 years of age, or has been expelled.

Nor any person who has been expelled from any of the companies of the department, unless he has been reinstated in the company expelling him.

§ 89. That there shall be one fire warden elected for each company by the firemen at the same time and in the same manner of electing the engineers, whose duty it is to Eight fire wardens, how elected. Duties. repair at once on the alarm of fire to the place where it may be, and to assist in the preservation of property, and to keep all idle and suspicious persons at a proper distance from the fire and its vicinity.

§ 90. That the fire wardens may choose out of their number a president and secretary, at such time and in Fire wardens choose president and secretary.

such manner as they may see fit, and may make such rules and impose such fines as in their judgment may best secure the performance of their duties.

Duty of marshal and chief police, on an alarm of fire. Night police not to leave his beat to attend fire.

§ 91. That it shall be the duty of the chief of police and all police officers, to repair at once on an alarm of fire, to the place where such fire may be: *Provided*, That no night policeman shall leave his beat while on duty to attend any fire.

Penalty.

And it shall be the duty of all police officers, there to report themselves to the chief of police, and to obey such orders as may be given by the mayor, or aldermen, or common councilmen, or engineer, for the preservation of the public peace, and the removal of all idle and suspicious persons, or others not actually and usefully employed in aiding or extinguishing the fire, under such penalty as the mayor may impose, not exceeding fifty dollars.

"Fire department of the city of Mobile," authorized.

§ 92. That the engineers, fire wardens, and the fire companies, are hereby authorized and empowered to form an association to be called "*The Fire Department of the City of Mobile*," and to make such by-laws, as they may deem expedient for the government of said department: *Provided* said by-laws shall in no way conflict with the city ordinances, the laws of Alabama, or of the United States.

Fines under this ordinance to go to fireman's fund.

§ 93. That all fines imposed by this ordinance, are appropriated to the fireman's fund, for the benefit of the sick and disabled firemen and their families.

ARTICLE II.

An Ordinance to establish Precautionary Measures.

§ 94. *Be it ordained*, That the fire limits in the city of Mobile shall be as follows:

Fire limits.

Commencing at the river in Canal street, running along the centre of Canal to Royal street, along the centre of Royal to Eslava street, along the centre of Eslava to Joachim street, along the centre of Joachim to Monroe street, along the centre of Monroe to Cedar street, along the centre of Cedar to Government, including both sides of Government to Bayou, along the centre of Bayou to St. Francis street, along the centre of St. Francis to Cedar

street, along the centre of Cedar to St. Anthony street, along the centre of St. Anthony to Jackson street, along the centre of Jackson to Adams street, along the centre of Adams to Joachim street, along the centre of Joachim to Hunt street, along the centre of Hunt to Royal street, along both sides of Royal to the One Mile Creek, thence along the One Mile Creek to the Mobile River, and from thence to the place of beginning.

That within those limits no building shall be erected or constructed of wood, under penalty of fifteen dollars for each and every day that any person shall permit, or be concerned in erecting such wooden building.

§ 95. That the fire wardens shall examine the dwelling houses and other buildings, in their respective districts, in the months of May and November of each year, and oftener if they think proper.

Duty of fire wardens.

To ascertain violations of this ordinance, to examine the fire-places, hearths, chimneys, stoves and the pipes thereto, ovens, boilers, kettles, and everything which in their opinion may be dangerous in causing or promoting fire.

And upon finding any of them defective or dangerous, either of them may direct the owner or occupant by written notice to alter, remove, or amend the same, in such manner and in such reasonable time, as either of them may deem necessary.

To enter and examine all buildings, livery or other stables, hay boats, or vessels, and places where gunpowder, shavings, or other combustible materials may be lodged, and give such directions in writing, in the premises, as may be deemed necessary, relative to the moving thereof.

And any person failing to observe and obey the directions of the wardens, or either of them, shall be fined such sum for each day that such neglect or refusal continues, as the mayor may impose, not exceeding fifty dollars.

Persons failing to obey, fined.

§ 96. That no person shall have in his possession in the city, any coal, wood, pales, planks, staves, shingles, lumber or fuel of any description, combustibles, or materials that may occasion hazard, or danger of fire, unless the same shall be placed or secured in such situation and in such manner, as the mayor, or any one of the aldermen or common council shall consider safe, or secure from danger of fire.

No coal or wood, &c., or combustibles.

Pena ty. And any person failing to remove such articles, when directed to do so by the mayor or any one of the aldermen or common council, shall be fined such sum for each day of such neglect or failure, as the mayor may impose, not exceeding fifty dollars.

No fire-arm to be discharged in the city. § 97. It is not lawful for any person to discharge any gun, pistol, fowling-piece, or fire-arm, nor to let off, or discharge, any rocket, fire-cracker, squib, or other fireworks, in any street, court, yard, lot, walk, or public highway, or from the door of any house or building, or near any house or any inhabited part of the city, on any pretext, under a penalty of such sum as the mayor may impose, not exceeding fifty dollars.

Exception. This section shall not extend to military reviews.

Burning brands or coals or a lighted cigar not to be carried in warehouse where cotton is stored. It shall not be lawful to carry, or cause to be carried, any burning coal or brand, or to smoke, or carry any lighted cigar or pipe in any warehouse or yard where cotton is stored or compressed, under such penalty as the mayor may impose, not exceeding fifty dollars.

ARTICLE III.

An Ordinance to establish a Board to investigate the origin of Fires.

Board to investigate origin of fires. § 98. *Be it ordained,* That there shall be appointed annually a board for the investigation of the origin of all fires in the city.

To consist of one member of each of the boards of aldermen and common council, the chief engineer of the fire department, one member of the board of fire wardens, to be chosen by them, and three firemen to be chosen by the fire companies in such manner as they may determine.

Duties. That the said board shall make inquiry into and investigate the origin of all fires, which may occur, and to report to the mayor the result of their investigations.

Duty of mayor. That should their investigations warrant the belief, that the origin of any fire was not accidental, but proceeded from wanton or malicious intent, or from an intent to defraud, and should individuals be designated with sufficient grounds for suspicion of having so caused such fire, they shall report to the mayor, who shall take cognizance, as the case may warrant.

CHAPTER XII.

GAMING.

An Ordinance respecting Gaming.

§ 99. *Be it ordained*, That no person shall play with cards or dice for money, or at any faro bank or gaming table, by whatever name, letter or figure the same may be known or called, nor at any game of chance for money or other valuable thing, nor bet or wager money or other valuable thing on the side or hands of such as do game, with dice or cards or any faro bank, or at any gaming table, under such penalty as the mayor may impose, not exceeding fifty dollars. ^{No gaming with cards, &c.} ^{Penalty.}

§ 100. That if any person shall keep or exhibit any gaming table of any name or description whatever or any faro bank, or bank for gaming of any kind, by whatever name it may be called, or be concerned therein directly or indirectly, he shall be fined such sum as the mayor may impose, not exceeding fifty dollars. ^{No gaming table or bank to be kept, &c.} ^{Penalty.}

§ 101. That if any person who has a license to keep a bearding house, hotel or tavern, or to retail spirituous liquors, shall knowingly permit any gaming, prohibited in either of the two last sections, in his premises, or any building in his occupation, he shall be fined such sum as the mayor may impose, not exceeding fifty dollars, and his license may be revoked. ^{Hotel, &c., keeper not to permit gaming.} ^{Penalty.}

CHAPTER XIII:

HAWKING AND PEDDLING.

An Ordinance to regulate Hawking and Peddling.

§ 102. *Be it ordained*, That there shall be paid for each license to any hawker or peddler of any goods, wares or merchandise in the city, such sum per annum or otherwise as the corporate authorities may from time to time determine. ^{Hawker and peddler not to be licensed.}

Any person hawking or peddling any goods, wares or merchandise without such license, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Peddling, &c.,
in the streets
forbidden.

Penalty.

Proviso.

§ 103. That the hawking and peddling in the streets of the city of any meat, game, poultry, vegetables, or any other article usually sold, or vended, in the market, is prohibited, under such penalty as the mayor may impose, not exceeding fifty dollars; except that this does not apply to persons who lease stalls in the public market, after 9 o'clock, A. M., during week days.

CHAPTER XIV.

HEALTH.

An Ordinance to secure Public Health.

ARTICLE I. BOARD OF HEALTH.

" II. DUTY OF CITIZENS.

" III. QUARANTINE.

ARTICLE I. BOARD OF HEALTH.

Board of health.
Duties.

§ 104. *Be it ordained*, That it shall be the duty of the board of health in the city of Mobile, organized and appointed, under the provisions of an Act of the legislature of the State of Alabama, incorporating the "Mobile Medical Society," passed December 21st, 1843, to prescribe and enforce such rules and regulations as, in their opinion, may conduce to the health of the city.

To examine into any and all cases of malignant, infectious, pestilential, and epidemic diseases, which may originate in the city, and the cause thereof.

To enforce such measures as they may deem necessary to effect the removal of, or to check the same.

To examine into all such nuisances as may tend to affect or endanger the health of the city.

And to report weekly to the mayor, aldermen and common council of the city.

§ 105. That if any person neglect or refuse to comply with the requisitions of the board of health, or shall prevent any member of the board from examining the yards, lots or out-houses of any person in which there is cause to believe that nuisances exist, he shall be fined such sum as the mayor may impose, not exceeding fifty dollars.

Persons neglecting or refusing to comply with directions of board, to be fined.

ARTICLE II. DUTY OF CITIZENS.

§ 106. *Be it ordained*, That the owner or occupant of every house, yard, stable, stall, lot of ground within the inhabited parts of the city, shall keep the same clean, and shall not at any time suffer kitchen-stuff, oyster-shells, shavings, chips, dung, trash, or filthy matter of any kind, to remain upon his lot, grounds or property, under such penalty as the mayor may impose, not exceeding fifty dollars.

Yards, &c., to be kept clean.

Penalty.

§ 107. That the mayor shall be authorized to prevent the landing from any vessel, boat or water craft, and the introduction in any way, within the city, of all hides, peltry, coffee, salt provisions, or other damaged or infected articles, (which in the judgment of the board of health will endanger the health of the city) under such penalty as the mayor may impose, not exceeding fifty dollars.

Mayor may prevent the landing of hides, &c.

Penalty.

That any such articles found in the city shall be immediately removed out of the city, by the person in whose possession such article is found, under such penalty as the mayor may impose, not exceeding fifty dollars.

Such may be removed.

§ 108. That it is not lawful for any person to leave any dead animal, or carrion, or any filth, putrid or putrescent matter, in any place in the city (except on the ground to be designated by the mayor from time to time, and there buried in a hole of proper depth,) under such penalty as the mayor may impose, not exceeding fifty dollars.

Dead animals, &c., not to be left.

Penalty.

§ 109. That no slaughter or butcher-house or pen, shall be established or carried on in the city, under such penalty as the mayor may impose, not exceeding fifty dollars for every day it shall remain.

No slaughter or butcher-pen in the city. Penalty.

§ 110. That it is not lawful for any person to excavate or dig the earth from any lot or parcel of ground in the city, in such a manner as may cause water to remain therein,

Earth not to be dug, &c.

Penalty. under such penalty as the mayor may impose, not exceeding fifty dollars.

Trash, filth, &c.,
to be deposited
on Tuesday,
Thursday and
Saturday.

§ 111. That the owner or occupant of every house, store, stable, or other tenement, or any lot, yard, or enclosure, shall on Tuesday, Thursday, and Saturday in each week, between the hours of five and eight o'clock in the morning, collect and deposit in front of their property, and as near thereto as may be, in a tub, barrel or other vessel, all trash, filth, shells, manure, or other putrid or putrescent matter that may have accumulated therein, under such penalty as the mayor may impose, not exceeding fifty dollars.

Penalty.

Power of city
authorities.

§ 112. That when in the opinion of the mayor, aldermen and common council, any lot or piece of ground in the city, should be filled up, cleansed or purified,

Or when any of the sections of this article shall be violated or disregarded,

The mayor may, if necessary to the enforcement of this article, cause its provisions to be complied with at the expense of the delinquent.

That if the delinquent fails to pay the amount so incurred within three days after the payment by the city, he shall be fined such sum as the mayor may impose, not exceeding fifty dollars, for each day that he fails or neglects to do so.

ARTICLE III. QUARANTINE.

Quarantine to
be enforced.

§ 113. *Be it ordained*, That there shall be established a strict system of quarantine, to be enforced against all vessels arriving in the bay of Mobile, from any port or place where "yellow," "malignant," or "pestilential" or "infectious" fever, or other infectious or dangerous disease is prevailing,

Or having any person on board suffering from such disease.

That this article shall only be in force when so proclaimed from time to time by the mayor, with the advice of the board of health, and every proclamation shall define the length of time that it shall continue in force.

Physician to be
elected.

§ 114. That the convention shall elect a quarantine physician, who shall proceed at once to the execution of his

duties. He shall receive such salary or compensation as the corporate authorities may from time to time determine.

That such attendants and employees as may be required at the station, shall be employed and appointed by the mayor.

§ 115. That it shall be the duty of the physician to attend at the quarantine station. Duties of physician.

To board all vessels entering the bay or harbor of Mobile.

To fully examine into the condition of the vessel and cargo, and the health of all persons therein.

To examine as many or such persons on board under oath, to learn and obtain any facts that he may deem essential and necessary.

To detain all vessels coming from any infected port or place, or that has any case of disease described in the first section of this article, on board, the cargo, and every person on board, for any length of time that he may deem necessary or expedient.

To direct such measures to be taken as may be necessary to purify the vessel, and supervise the same at the expense of the captain, owner or consignee of the vessel.

To direct the discharge of any cargo, or portion thereof, and supervise the same, at the expense of the captain, owner or consignee of the vessel.

To remove any person from any vessel who may be sick of any malignant or infectious fever or disease to the quarantine hospital, and it shall be his duty to give his professional services to said person.

To sign all permits for vessels and persons to pass the quarantine,

And all discharges for vessels or persons leaving the quarantine, without which no vessel or persons shall be permitted to leave or pass the quarantine station.

And any person violating any of the quarantine regulations, he, or the owner and captain, together with the vessel to which he may belong, or be a passenger, shall be fined such sum as the mayor may impose, not exceeding fifty dollars.

§ 116. That it is the duty of every person acting as a pilot, or revenue, or boarding officer, of the custom house, to deliver to the officer in charge of every vessel, coming into the bay of Mobile, a copy of these regulations, or so Duties of pilot &c.

much as may be wanted for the use of the vessel, of which the mayor shall have a sufficient number of copies printed.

During the existence of the quarantine, all pilots and other persons having charge of vessels, entering the bay of Mobile, shall bring such vessels to anchor at the quarantine station, and no vessel shall leave such anchorage until it shall have been boarded by the quarantine physician and shall have received permission from him to do so.

Penalty.

Every pilot or other person violating this section, shall be fined such sum as the mayor may impose, not exceeding fifty dollars.

Persons receiving medical attendance shall pay \$5 per day.

§ 117. That all persons who may receive medical treatment under this ordinance, shall pay for the use of the city, five dollars for each day of such treatment.

When unable, captain, owner or consignee shall pay.

And where the persons so treated shall be unable to pay the charge, the captain, owner or consignee of the vessel to which he may belong, shall pay the same.

Not apply to New Orleans mail line.

Duty of officers of N. O. steamers.

§ 118. That the provisions of this article shall not apply to New Orleans and Mobile mail line steamers, but it shall be the duty of the captain or clerk, or person having in charge of each one of these steamers, to furnish the quarantine physician with a certificate of health of every person on board, each time that one of these steamers may enter the bay of Mobile.

For this purpose the steamers shall be brought to anchor as near the quarantine station as it is practicable, and there remain until examined by the quarantine physician.

If any person on board of either of these steamers be sick, it shall be the duty of the person having charge of such steamers to inform the quarantine physician of the fact.

If on examination such person is found to be sick with the yellow fever, or any malignant, pestilential or infectious disease, he shall be conveyed to the quarantine station.

If any person is taken sick on one of these steamers, after having left the quarantine station, and before arriving at the wharf at Mobile, it shall be the duty of the captain, clerk, or person having charge of the steamer, to report it to some member of the board of health, or to the mayor of the city, and it shall not be lawful for such person to leave the steamer until he shall have been examined by a member of the board of health.

If it be found that such person is suffering from an attack of yellow fever, or any malignant, pestilential or infectious disease, he shall not be landed from the steamer, but it shall be the duty of the person in charge of the steamer, to convey the patient to the quarantine hospital on the same day, or to convey him to New Orleans on the return steamer.

The New Orleans and mail line company shall be liable for all fees accruing for attendance on any person carried from any one of their steamers to the quarantine hospital, where such person does not pay the same.

Any violation or disregard of any of the provisions of this article shall be punished by a fine in such sum as the mayor may impose, not exceeding fifty dollars.

§ 119. The word vessel wherever used in this ordinance, shall extend to boats, steamers, and water crafts of every description.

Meaning of "vessel."

§ 120. That no vessel shall take on or discharge the cargo of any vessel at quarantine, without a written permit from the quarantine physician, under such penalty as the mayor may impose, not exceeding fifty dollars, on the owner, consignee, or person in charge.

No vessel to take, or discharge cargo, unless, &c. Penalty.

§ 121. That the mayor and board of health, when the public health may require it, may order any vessel at the wharves of the city, or in the vicinity thereof, to the quarantine station, and may require all persons, articles, or goods, introduced into the city from such vessels, to be seized, returned on board, or removed to the quarantine station.

Mayor and board of health may remove vessels to quarantine.

If the owner, master, consignee, or person having charge of such vessel, fails or neglects to obey such requirements, each of them shall be fined such sum as the mayor may impose, not exceeding fifty dollars.

Penalty.

And if he cannot be found, or if he neglects and fails to remove the vessel, the mayor and the board of health shall have power to cause such removal at the expense of the vessel.

This ordinance applies to vessels lying at anchor in the bay of Mobile and not performing quarantine.

Extends to vessels in the bay.

That the harbor master and port wardens of Mobile, shall notify the mayor or chief of police in writing of every infraction of this article that shall come to their knowledge.

Duties of harbor master and port wardens.

And it shall be their duty to see that in every instance, vessels arriving at the wharves of the city shall have a proper permit signed by the quarantine physician, giving him liberty to pass the quarantine station.

Any vessel failing to have such a permit, shall not be allowed to remain at, or in the vicinity of, the wharf, but shall at once be ordered to the quarantine station, as provided for in section 9 of this article.

Penalty.

The harbor master or port wardens, failing to give prompt notice of any violation of this section, shall be fined such sum as the mayor may impose, not exceeding fifty dollars.

Fees of two cents per ton to be collected on all vessels. Paid to clerk.

§ 122. That two cents per ton, according to the registered tonnage of each vessel, shall be established as the quarantine fee for all vessels entering the port of Mobile, and that the master, owner, or consignee thereof is hereby required to pay the same to the city clerk, who shall pay the said fees to the city treasurer. Such tonnage fees shall be paid within five days after arrival of the vessel in port, under such penalty as the mayor may impose, not exceeding fifty dollars, for each day's neglect or refusal to pay the same.

Port wardens to notify clerk of the arrival of vessels.

And it shall be the duty of the port wardens to report to the city clerk the arrival of every vessel and the name of the master liable to pay these fees, and if they neglect to make such reports they shall be subject to such fine as the mayor may impose, not exceeding fifty dollars: *Provided*, That this provision shall not apply to vessels running regularly between this port and New Orleans.

Not to apply to N. O. steamers, &c.

§ 123. Quarantine rules and regulations for the port of Mobile:

Station.

RULE I. The quarantine station shall be on Mobile Point, in the rear or north of Fort Morgan, or such other place as the corporate authorities may from time to time determine.

Length of time to remain in.

RULE II. The quarantine physician shall in every instance determine the length of time that a vessel shall remain at quarantine, and the time that all persons on board such vessel shall remain in quarantine.

Duty of pilots.

RULE III. It shall be the duty of the pilots or other persons, bringing a vessel into the bay of Mobile, to hoist a flag at half-mast at the fore, until the vessel has been visited by the quarantine physician.

RULE IV. No person shall leave a vessel nor visit a vessel at quarantine, without a written permit to do so, by the quarantine physician. Not to leave vessel without permit.

RULE V. The quarantine physician shall make a monthly report, on the first day of every month, to the city authorities, of the number and class of vessels quarantined, Monthly report by physician.

The number of patients treated at the quarantine hospital,

The amount of fees collected, and all other information connected with the station, as may be necessary and proper.

RULE VI. All vessels at quarantine, shall keep a flag at half-mast at the main, during the day, and the lantern in the same position at night. Flag to be kept at half-mast by vessels in quarantine.

RULE VII. Any violation of these rules and regulations shall be punished by a fine in such sum as the mayor may impose, not exceeding fifty dollars. Penalty.

CHAPTER XV.

HOSPITALS.

An Ordinance for the regulation of Hospitals.

ARTICLE I. CITY HOSPITAL ESTABLISHED.

" II. OFFICERS AND DUTIES.

" III. REGULATIONS.

" IV. RESPECTING LUNATICS.

" V. PRIVATE HOSPITALS.

ARTICLE I. CITY HOSPITAL ESTABLISHED.

§ 124. *Be it ordained*, That the buildings and premises bounded on the south by St. Anthony, east by Jefferson, and west by Broad streets in the city of Mobile, are established as the "City Hospital." City hospital.

§ 125. That there shall annually be appointed by the president of the board of aldermen, three members of the board; by the president of the common council, two members of the board; who, with the mayor, shall be a committee for the government of the city hospital. Hospital committee.

Powers and
duties of
committee.

§ 126. That this committee shall have a general superintendence of the hospital, and shall prescribe such rules for its government, as they may deem proper, with the consent of the mayor, aldermen and common council.

They shall make regular visits to the hospital, at least once in each week.

They shall make monthly reports of its condition, receipts and expenditures, to the boards of aldermen and common council.

They shall have the exclusive privilege of admitting patients into the hospital.

They shall approve all contracts made with persons employed therein, as students, nurses, cooks, laborers, and for all articles of food, raiment, medicines, and fuel necessary for the use and maintenance of the hospital.

When they
apply for
money, shall
state the ob-
ject.

§ 127. That whenever the committee shall apply for money to be expended for the use of the hospital, they shall distinctly set forth the object for which such money is asked, excepting salaries to those officers elected by the city.

ARTICLE II. OFFICERS AND DUTIES.

Physician and
surgeon elected.

§ 128. *Be it ordained*, That on the first Monday in March, 18 , and biennially thereafter, there shall be elected in convention, a physician and surgeon of the hospital, who shall give such bond and receive such salary as the corporate authorities may from time to time determine.

Duty of
physician.

§ 129. That it shall be his duty to visit said hospital twice in each day, and oftener, if necessary, and to administer to the sick therein.

To see that the stewards, students and nurses faithfully perform their respective duties and promptly to report any dereliction therein to the hospital committee to be laid before the boards of aldermen and common council, who may take such action as they deem necessary.

To report
quarterly.

To report quarterly to the mayor, aldermen and common council the number, situation and condition of the patients in the hospital, together with such other information as may be deemed necessary or important. When a case or cases of small-pox shall be presented for treatment, he shall attend such patient at the pest-house, provided by

Small-pox.

the city for the treatment of such diseases. For which services he shall receive such remuneration as may be deemed proper by the city authorities.

§ 130. That the hospital physician shall appoint, with the approval of the hospital committee, two students of medicine, who shall board and lodge in the hospital, and give bond in the sum of five hundred dollars, whose duty it shall be,

To act as, and perform the duties of, apothecary.

To prepare and administer all prescriptions of the physician and surgeon,

And to perform such other duties as may be prescribed for them by the physician and surgeon, for the comfort and well-being of the patients.

No student shall be appointed for a longer or shorter term than one year,

But he is eligible for re-appointment.

§ 131. That at the same time that the physician is elected, there shall be elected by the convention, a "steward" of the hospital, who shall give bond in the sum of dollars, and receive a salary of dollars, and shall board and lodge in the hospital. He shall also have the privilege to board and lodge his wife and minor children in the hospital.

§ 132. It is his duty to superintend the duties of the nurses, cooks, servants and laborers; to see that the directions of the physician and surgeon are faithfully and properly executed; and to attend to such other duties as the physician may prescribe to him.

He shall enter in a bound book to be kept by him for that purpose, the names of the patients admitted into the hospital, their age, place of birth, occupation, date of admission, their disease, and the date of their discharge, or death: which book shall at all times be subject to the inspection of the mayor, or any of the aldermen or common council; and shall remain in the hospital as a book of record and reference.

He shall enter in a book kept for that purpose, an inventory of all articles of furniture, bedding, clothing, utensils and all other property belonging to, or purchased for, the hospital, which book shall be examined quarterly by the hospital committee.

All articles reported as worn out or useless, must be inspected by the committee before they are condemned or destroyed.

He shall collect all amounts due to the hospital by paying patients, and pay the same over to the city treasurer, accompanying the payment with a report of the names of such patients, the number of days of treatment, &c.

He shall enter in a book kept for that purpose, the name of every pauper patient and the date of his entry in the hospital.

He shall keep a correct account of all moneys, clothing and effects, that any patient may have in his possession when admitted into the hospital, and enter them in a book kept for that purpose, subject to the inspection of the mayor or any of the aldermen or common council, and in case of the death of such patient, the money, effects, &c., shall be disposed of according to law, under the direction of the hospital committee.

He shall furnish such articles of bedding, clothing, food, medicines, furniture and cooking utensils, on a requisition made by the mayor or chairman of the hospital committee, as may be needed for the comfort, necessities and well-being of the patients, that may be sent to the pest-house.

He shall also secure the services of such nurses and servants as may be needed, and make such contracts with them as may be approved by the mayor or chairman of the hospital committee.

ARTICLE III. REGULATIONS.

Paupers
applying.

§ 133. *Be it ordained*, That all pauper applicants for admission into the hospital, shall present to the steward a permit signed by the mayor or any one of the hospital committee.

Paying patients
applying.

Paying patients shall present a like permit, stating who will be responsible for fees incurred.

These permits shall be regularly filed and remain on record.

Paying patients

§ 134. That all paying patients shall be charged two dollars for each day that they remain inmates of the hospital.

§ 135. That when private or paying patients may be sent to the pest-house, such patient shall be charged five dollars for each day that he may be under treatment at that place. Pest-house charges.

That in case of private or paying patients being sent to the pest-house, the surgeon or steward of the city hospital shall, before receiving the patient, require of the applicant a receipt from the city treasurer, showing that the sum of one hundred dollars has been deposited in the city treasury, to secure the payment of such charges as are above required.

ARTICLE IV. RESPECTING PAUPER LUNATICS.

§ 136. That whenever any inhabitant of said city shall be declared a lunatic, in accordance with the provisions of chapter 12, title 2, part 3, of the code of Alabama, and no guardian shall have been appointed, and such person is permitted to run at large, it shall be the duty of the mayor or acting mayor, upon the complaint of any person, under oath, that such lunatic is disorderly, or dangerous, or a nuisance, to cause such alleged lunatic to be brought before him, and to make an investigation of the facts; and if it be found that such person has been so declared a lunatic, and is disorderly, or dangerous, or a nuisance, and has no visible means of support, and that there is no person liable for such support, within the meaning of section 1212 of the code of Alabama, to cause such person to be removed to the City Hospital, there to remain for care and safe-keeping, and for such treatment as may be deemed necessary and proper by the hospital physician, until removed to an asylum for the insane, or until declared to be restored to sanity, as provided in chapter 12, title 2, part 3, of the code of Alabama. Respecting pauper lunatics. May be removed to city hospital.

ARTICLE V. PRIVATE HOSPITALS.

§ 137. *Be it ordained,* That it shall not be lawful for any person to establish or have in use or operation in the city, any hospital or infirmary for the cure of diseases, unless they shall have obtained the consent in writing of a majority of the citizens living on the squares immediately adjoining. How established.

Penalty.	ing, and the square on which such hospital or infirmary is proposed to be kept or established, and the consent of the mayor, and boards of aldermen and common council and the recommendation of the board of health, under penalty of fifty dollars, and twenty-five dollars for each day it is continued.
Mayor and committee to have access to all times.	That the mayor and the hospital committee shall have free access at any and all times to such hospitals or infirmaries.

CHAPTER XVI.

HOUSES—PUBLIC.

An Ordinance to regulate and license Inns, Public Houses, &c.

To be licensed for one year to retail spirituous or vinous liquors.	§ 138. <i>Be it ordained</i> , That no person shall retail or sell in quantities less than one quart at one time, any spirituous or vinous liquors in the city, unless a license shall have been granted by the mayor, to do so for one year, setting forth the location of the house or place in the city, and the name of the person to whom such license shall issue. For any other place or person it shall be of no validity.
Amount of license to be fixed by the city.	That such sum shall be paid to the city treasurer for license to retail, as the corporate authorities may from time to time determine.
License to sell in theatre for six months.	That a license may issue to retail in the saloons of the Mobile theatre for the term of six months, on payment of such sum as the corporate authorities may from time to time determine.
Not to sell more than a quart to be drank on the premises.	That no person shall sell any vinous or spirituous liquors, in quantities larger than a quart, if the same be drank on the premises of the seller.
Not to sell adulterated drink.	That no person shall sell any unwholesome or adulterated drink, vinous or spirituous liquors.
All public houses to have license.	§ 139. That no person shall keep a tavern, boarding house, coffee house, restaurant, eating house, or any other house of entertainment unless he shall have a license therefor; the amount of such license to be fixed from time to time by the corporate authorities.

§ 140. That it shall be the duty of every person having a license and carrying on business under it, to conduct himself, and to see that those he may entertain shall conduct themselves in an orderly manner on his premises, and to prevent all persons who may be there after ten o'clock at night, from disturbing by cries, noise, songs, or otherwise, the peace or tranquility of any of the neighbors.

Keeper to
conduct him-
self orderly and
prevent dis-
order.

That he shall not permit any disorderly conduct nor riotous conduct on his premises. Any person violating the provisions of this chapter, shall be fined such sum, for each day that such violation shall continue, as the mayor may impose, not exceeding fifty dollars, and the mayor may annul and revoke the license of such person, if in his judgment it should be done.

Penalty.

CHAPTER XVII.

INSPECTION.

An Ordinance to provide for the Inspection of Hay, Lumber, Wood, Work, and Weights and Measures, &c.

ARTICLE I. INSPECTION OF HAY.

- " II. " " LUMBER.
- " III. " " FIREWOOD.
- " IV. CITY GAUGER.
- " V. INSPECTION OF STAVES.
- " VI. " " GAS METRES.
- " VII. " " WEIGHTS AND MEASURES.
- " VIII. " " STANDARD WEIGHTS OF GRAIN, &c.
- " IX. MASTER MECHANICS.
- " X. INSPECTION OF FLOUR.

ARTICLE I.

An Ordinance to provide for the Inspection of Hay.

§ 141. *Be it ordained*, That there shall be elected annually in convention an inspector of hay, fodder, shucks and other forage packed in bales, who shall give such bond and receive such fees as may from time to time be determined by the corporate authorities.

Inspector
elected.

Shall weigh
hay, fodder
and shucks.

§ 142. That every bale of hay, fodder, shucks, or other forage packed in bales, brought to the city for sale, shall be first weighed by the inspector, and the owner or consignee thereof, shall pay to said inspector the fees allowed by law, under such penalty as the mayor may impose, not exceeding fifty dollars.

Penalty

Shall enter
weights in a
book, and give
a certificate.

§ 143. It shall be the duty of the inspector to keep a book, in which he shall enter the weight of every bale weighed by him, and he shall give a certificate of the weight of each bale, for whom weighed, the marks, and the date when weighed.

Shall make
fair deduction.

He shall make a fair deduction from the gross weight of every bale weighed by him, for the wood and bandages used in putting up or securing the bales, and shall mark only the net weight on each bale, which shall be done with good black ink or paint.

Shall mark net
weight.

Inspector to
require seller
to produce a
business license

Before weighing any hay, fodder, shucks, or other forage, in bales, brought to the city for sale from another State, it shall be the duty of the inspector to ascertain whether the owner or consignee thereof, has obtained a business license for selling such merchandise, and he shall not weigh any of such provender until the proper license is exhibited to him.

Penalty.

Any inspector who fails, neglects or refuses to comply with the provisions of this section, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

ARTICLE II.

An Ordinance to provide for the Inspection of Lumber.

Inspector
elected.

§ 144. *Be it ordained*, That there shall be elected annually in convention, an inspector of lumber, who shall give bond in such sum and receive such fees as may from time to time be determined by the corporate authorities.

Duties.

§ 145. That he shall perform the same duties in the city, and be subject to the same penalties as the inspectors of lumber are liable to, under the statutes of Alabama.

ARTICLE III.

An Ordinance to provide for the Inspection of Fire Wood.

§ 146. *Be it ordained*, That there shall be elected annually by the convention, two inspectors of wood, one for the division north, and the other for the division south of Dauphin street, who shall give such bond and receive such fees as the corporate authorities may from time to time determine.

Inspector of wood elected.

§ 147. That all fire wood brought into the city, or exposed for sale, shall, before it is sold, be inspected and measured by the inspector, or his deputy.

All fire wood shall be inspected.

That the said fire wood shall be full four feet in length, and a cord shall be four feet four inches high, and eight feet long—in cording, it shall be piled in a neat and compact manner.

Dimensions.

That all unsound and short wood shall be rejected, all large and straight wood shall be placed at the bottom, and all small and crooked wood at the top of the pile.

Unsound and short rejected.

All deficiencies in measure, caused by crooked wood, shall be supplied, under the direction of the inspector.

Deficiencies, how supplied.

That all short and unsound wood shall be forfeited to the use of the city hospital, and shall be sent by the inspector immediately upon such forfeiture, to the city hospital, and he shall inform the steward thereof on the same day.

Unsound and short wood forfeited to use of city hospital.

§ 148. The inspector shall cause all drays and carts that may be employed in carrying wood, to be provided with side stakes or other fixtures; on which shall be marked

Drays and carts, how arranged.

“one-third of a cord of wood,” and no cart or dray drawn by one horse shall be permitted to carry more than one-third of a cord of wood at a load.

No more than $\frac{1}{3}$ of a cord to be carried on dray.

§ 149. That it shall be the duty of all persons selling wood in the city, to cause posts to be set up to contain between them one-third of a cord of wood, one-half, and one cord, under the direction of the inspector.

And the posts shall be so marked that any person may see the quantity of wood purchased by him.

§ 150. That each inspector shall keep an office where he may be found, and at which orders may be left.

Shall keep office.

He shall keep an accurate account of all the wood inspected and measured, and the forfeitures that may accrue,

Shall keep account.

	and report the same to the mayor, aldermen and common council on the first day of January, April, July, and October.
Shall not deal in wood.	He shall not deal in fire wood, nor purchase it, nor shall any person deal with or sell to him, except for his domestic use.
Fees.	He shall receive such fees for the inspection and measuring of wood, as the corporate authorities may from time to time determine, which shall be paid by the seller.
Shall mark.	He shall mark conspicuously on the end of a stick on each parcel or pile of wood the quantity each parcel or pile contains, and the date of the inspection.
Require seller to produce business license	It shall be his duty, before inspecting any wood brought to the city for sale, by boat or otherwise, to ascertain whether or not the captain or owner of the boat, or the owner or proprietor of any wood yard, has obtained the proper license for such business.
	He shall not inspect any wood until the proper licenses are exhibited to him.
Penalty.	Any failure or refusal by any inspector to strictly carry out any of the provisions of this ordinance, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

ARTICLE IV. GAUGER—CITY.

An Ordinance to create a City Gauger.

City gauger elected Bond.	§ 151. <i>Be it ordained</i> , That there shall be elected annually in convention a city gauger, who shall give such bond and receive such fees as the corporate authorities may from time to time determine.
Duties.	It shall be his duty to gauge and prove all liquids imported into the city for sale, or brought into the city to be sold here, and afterwards sent elsewhere; or marked and shipped for Mobile as its destination; or owned and stored in the city; or held as agent, on commission or otherwise:
Not to apply to liquids owned elsewhere and in transitu.	<i>Provided</i> , This section does not apply to liquids landed here, and owned elsewhere, in <i>transitu</i> through this city.
	That he shall brand his name upon each cask, barrel or package inspected by him, with the contents of each. And of spirituous liquors the proof of the same, of which he shall keep a record, open to inspection, and grant certifi-

cates when required: *Provided*, That this ordinance shall not be held to apply to lager beer, ale or porter.

That all persons receiving liquids required by this ordinance to be inspected, shall report the same to the city gauger, at the place designated by him as his office, under such penalty as the mayor may impose, not exceeding fifty dollars.

Persons shall report to him.

It shall be his duty, before gauging or inspecting any liquids, to ascertain whether or not the owner, agent or consignee has obtained the proper business license.

Shall require seller to produce business license.

He shall not inspect or gauge any liquids until the proper business license is exhibited to him, and for failure or refusal by any gauger or inspector to comply with the provisions of this section, he shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Penalty.

ARTICLE V.

An Ordinance to provide for the Inspection of Staves.

§ 152. *Be it ordained*, That there shall be elected annually in convention an inspector of staves, who shall give such bond and receive such fees as may be determined from time to time by the corporate authorities.

Inspector of staves to be elected.

That all staves brought into the city for sale shall, before they are sold, be inspected and measured by the inspector, or under his direction, after they are landed.

He shall inspect all staves brought to the city for sale.

That merchantable staves shall be made of good white oak, not less than one inch thick, four inches wide, and of the following lengths: barrel, thirty-six inches; hogshead, forty-six inches, and pipe, fifty-eight inches, and that they shall be rejected as unmerchantable, and classed as cullings, unless of the quality and description set forth in this section; they shall be piled in a neat and compact manner, and the fees for inspection shall be paid by the seller, and a certificate of such inspection shall be furnished if required.

Quality of staves.

Description of staves.

Fees.

It shall be the duty of the inspector to keep a book, in which he shall enter the number of staves inspected, for whom inspected, and the date of such inspection.

Inspector to keep a book to enter in inspections.

Persons shall
report to him.

§ 153. That all persons receiving staves required by this ordinance to be inspected, shall report the same to the city inspector, at the place designated by him as his office, under such penalty as shall be imposed by the mayor, not exceeding fifty dollars.

ARTICLE VI.

On Ordinance providing for the election and defining the duties of
Inspector of Gas Metres.

Inspector of
gas metres to
be elected.

§ 154. *Be it ordained*, That as soon as practicable after the passage of this ordinance, there shall be elected in convention, an inspector of gas metres, who shall act as such for the balance of this municipal year, and shall again be elected in December, 1866, and annually thereafter by said convention. He shall receive such compensation and give such bond as the corporate authorities may from time to time determine.

Bond.

His duties.

§ 155. It shall be his duty to examine once in each year, and oftener if required by any gas consumer, every gas metre in the city, whereby gas is consumed, whether the same be used in a public or private building, and to see that the same justly, correctly, and uniformly indicates the quantity of gas consumed; if he finds any gas metre working improperly, so as not to indicate the actual quantity being consumed, he shall adjust and correct, or repair the same at the expense of the party gaining by the irregularity; and if he shall, on examination of any gas metre, find that the same has been set or disarranged for the purpose of making a false indication of gas consumed, he shall report the same to the mayor, who, on examination of the charge, shall adjudge any one guilty of the offence, shall impose such fine as the nature of the case may warrant, and the metre shall be corrected at the expense of the guilty party.

Penalty for
causing false
indication of
gas metre.

No one must
hinder inspec-
tor in discharge
of his duties.

It shall not be lawful for any one to hinder, prevent, or resist the inspector of gas metres in the performance of any duties required in this ordinance; or to refuse him entrance into any building at a seasonable hour, to inspect, repair, or adjust any metre, under such penalty as the mayor may impose, not exceeding fifty dollars.

Penalty.

If any proprietor, clerk or agent of any gas company, or any proprietor, clerk or agent of any gas works, shall knowingly demand and receive any false or incorrect bill for gas; or if any proprietor, or managing agent, or clerk of any gas company or gas works, shall knowingly make out, or cause to be made out for demand, any false or incorrect bill for gas, he or they shall be fined in such sum as the mayor shall impose, not exceeding fifty dollars.

Shall not make out false bill.

Penalty.

§ 156. It shall be the duty of the inspector of gas metres, in case of complaint made that the gas company is furnishing gas of inferior quality, to examine into the cause of complaint, and if it be found that the gas is of inferior quality, he shall report the fact to the mayor, who shall immediately notify the gas company, requiring them to furnish good gas, and the company shall make a reasonable and proper deduction from the price of the gas used during the time of the existence of such inferiority, such deduction to be made by order of the mayor upon the report of the inspector, and if said owner or proprietor refuse to obey the order of the mayor, he shall be subject to a fine not exceeding fifty dollars.

Must not furnish gas of inferior quality.

Penalty.

That no gas company shall ever be allowed to make out average bills, but all bills shall be based upon the actual amount consumed.

Average bills not allowed.

Nor shall any gas company refuse to supply gas to any occupant of a building, because a previous tenant of a building may not have paid his gas bill.

Must not refuse to supply gas.

And said inspector shall perform such other and additional duties as may from time to time be required of him by the corporate authorities.

Must perform all duties required.

ARTICLE VII.

An Ordinance to provide for the Inspection of Weights and Measures.

§ 157. *Be it ordained*, That there shall be annually elected in convention, an inspector of weights and measures, who shall give bond in such sum and receive such fees as the corporate authorities may from time to time determine.

Inspector elected.

§ 158. It is his duty, as soon after his election as is practicable, to call on every person in the city who may have

Duties.

scales or weights or measures of any description, to be used in the purchase or sale of goods or merchandise in the city.

He shall inspect them by the city standard of weights and measures, and if found to be correct and stamped by any former inspector, to give a certificate for the same, for which he shall receive one dollar from the owner.

That if he find the beams or patent balances or scales of any description, or weights or measures, or any portion of the same used by any person for the purchase or sale of goods or merchandise, to be incorrect, by the city standard, he shall correct them at the expense of the owner, and he shall brand the dry measures with the letters M. S., (meaning Mobile standard,) and stamp the wet measures with the same letters, in such manner that the said brand or stamp cannot be obliterated. All yard sticks or devices of any kind used for measuring goods, shall also be branded in like manner. He shall also brand or stamp all beams, balances, or scales, used in the sale of goods and wares or other commodities.

No person must use scales, weights or measures without having them inspected or stamped.
Penalty.

Any person using any beams, balances, scales, or weights and measures, for the sale of any merchandise or other commodity, without first having the same inspected, branded or stamped by the inspector, shall be fined such sum as the mayor may impose, not exceeding fifty dollars; and the proximity of all beams, scales, balances, weights and measures to goods, wares, or other articles exposed for sale, shall be evidence of their use.

Use of spring balances prohibited.

That no person shall be permitted to use for the sale of any goods, wares, meats in the public markets, or other commodities, the scales commonly called "spring balances," under such penalty as the mayor may impose, not exceeding fifty dollars.

Standard to conform to standard of the United States or this State.

§ 159. The standard of weights and measures to be used in this city, shall conform to the standard prescribed by the laws of the United States, or the State of Alabama.

Inspection to be made once in each six months.

§ 160. That he shall twice in each year, once in each six months, make an inspection of all balances, beams, scales, weights and measures, and receive the like fees for each inspection.

Weights and measures may be seized and forfeited.

Upon any information being lodged with him that any person has sold by weight or measure any commodity

which has proved to be of short weight or measure, he shall inspect the balances, beam, scale, weight, and measures of the person informed against, and if any of them are found to be incorrect they shall be seized and forfeited to the city.

That he shall report to the mayor, aldermen and common council all balances, beams, scales, and weights and measures liable to seizure, and forfeited to the city, and all persons liable to penalties by this article. Penalty.

That it shall be the duty of all persons engaged in the sale of goods, wares, or other commodities, to have their scales, beams, balances, weights and measures properly inspected before using the same. Duty of all persons to have scales, weights and measures inspected.

§ 161. That if any person shall refuse to produce his balances, beams, scales, and weights and measures, to be inspected, or shall prevent the inspector from discharging his duty, or shall have sold or knowingly bought any merchandise by any imperfect balance, beam, scale or weight or measure, he shall be fined such sum as the mayor may impose, not exceeding fifty dollars. Any person refusing to present his scales, &c. Penalty.

That for the violation of any of the provisions of this ordinance, or for the improper or negligent performance of any of the duties herein prescribed, by the inspector, shall subject the inspector to such fine as the mayor may impose, not exceeding fifty dollars. Inspector may be fined for improper performance of duty.

ARTICLE VIII.

An Ordinance to establish Standard Weights of Corn, Grains and other Commodities.

§ 162. *Be it ordained*, That the following grains and other commodities, when sold as merchantable in the city of Mobile, shall be sold at the following number of pounds (avoirdupois) to the bushel: Standard weight of grain and other commodities.

The standard weight of corn in the ear, per bushel, shall be	70 pounds.
Shelled corn, per bushel,	56 "
Oats,	33 "
Wheat and beans, per bushel,	60 "
Rye, per bushel,	56 "
Sweet and Irish potatoes, per bushel,	60 "

Flax seed, per bushel,	-	-	-	-	-	-	56 pounds.
Barley,	"	"	-	-	-	-	48 "
Bran,	"	"	-	-	-	-	20 "
Onions,	"	"	-	-	-	-	57 "
Dried peaches, per bushel,	-	-	-	-	-	-	33 "
Dried apples,	"	"	-	-	-	-	24 "
Salt,	"	"	-	-	-	-	50 "
Castor Beans,	"	"	-	-	-	-	46 "

Purchaser may require merchant to weigh.

Any person offering any of the above described articles or commodities for sale, who shall refuse to have the same weighed, or who shall refuse to give the number of pounds per bushel, described in this article, or who shall sell any of said articles without giving the foregoing established weights, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars, for each and every offence.

Penalty.

ARTICLE IX.

An Ordinance to provide for Inspection of Work done on Buildings.

Four master mechanics to be elected.

§ 163. *Be it ordained,* That there shall be annually elected in convention four master mechanics who shall be called "the Committee of Mechanics of the City of Mobile."

Duties.

§ 164. When any difference shall arise between persons interested in any work done to or on any building within the city of Mobile, concerning the said work, the said difference shall be at the suggestion of either of the parties interested—referred to the said committee of master mechanics, in manner and form hereinafter provided.

Persons requiring services to give notice.

§ 165. That any person or persons wishing to avail himself or themselves of the privilege of this ordinance, shall give notice in writing to said committee, that a difference has arisen between himself or themselves and other or others, touching the quantity of work done or the quality thereof, as the case may be, on any building or buildings, describing the same; whereupon it shall be the duty of the said committee, or a majority of them, to give private notice in writing, to all parties interested, if the same be practicable; and if not practicable, public notice in some newspaper printed in the city of Mobile, that they intend,

Duty of committee on such notice.

at a certain time and place, to be mentioned in said notice, the time being not less than two, nor more than ten days, from the service or appearance of the said notice, to proceed to measure the quantity, or estimate the quality as the case may be, of such work; and at the same time and place so appointed, the said committee, or a majority thereof, shall proceed to measure and estimate as aforesaid; and shall thereupon give to the party at whose instance the same was done, and to such others as may require it, a certificate, setting forth their doings in the premises; and the said certificate, under the proper hands and seals of the said committee, or a majority of them, shall be held and deemed in any court in this State, evidence as to the quantity or quality of work in question; and also to any notice required by this ordinance: *Provided*, That nothing contained in this ordinance shall prevent any person or persons who may feel him or themselves aggrieved by any such survey, from the right of appeal.

Shall measure work and give certificate.

Certificate shall be evidence.

Party aggrieved may appeal.

§ 166. That with regard to the quality of any work done as aforesaid, the said committee shall, when it shall seem to them or a majority of them, that the same has not been done in a workmanlike manner, barely certify the per centage that shall be deducted in consequence thereof.

Work not well done to certify per centage.

§ 167. That any vacancy or vacancies which may occur by death, resignation, absence or removal, shall be supplied by the mayor, aldermen and common council aforesaid, and that a continued absence from the city of Mobile sixty days, shall forfeit membership, which absence shall be certified to the clerk of the city of Mobile.

Vacancies, how filled.

Sixty days' absence vacate seat.

§ 168. That the said committee shall be entitled to receive the following rate of per centage as a compensation for their services, viz:

Fees.

For measuring and estimating all sums of five

hundred dollars, and under,	-	-	-	-	5 per ct.
Of one thousand and over five hundred	-	-	-	-	3 " "
Of five " " " one thousand	-	-	-	-	1 " "
Of ten " " " five "	-	-	-	-	$\frac{3}{4}$ " "
Of fifteen " " " ten "	-	-	-	-	$\frac{1}{2}$ " "
Of twenty " " " fifteen "	-	-	-	-	$\frac{3}{8}$ " "
And all sums over twenty thousand	-	-	-	-	$\frac{1}{4}$ " "

Which compensation the said parties in the said work shall pay share and share alike.

How suit
brought.

§ 169. That all suits brought by the said committee for the recovery of fees, shall be in the name of the committee of mechanics of the city of Mobile.

Oath before
entering on
duties.

§ 170. That every member of the said committee shall, before he enters upon the discharge of the duties of his office, take and subscribe an oath faithfully and impartially to discharge the duties of his office, so long as he may continue therein; which oath shall be filed in the office of the clerk of the city of Mobile.

ARTICLE X. INSPECTOR OF FLOUR.

An Ordinance creating the office of Inspector of Flour.

Inspector of
flour may be
elected.

§ 171. *Be it ordained*, That the flour inspector, elected on the 28th day of December, 1865, shall serve for the term of three years, ending the 1st day of January, 1869, and shall be elected in convention at the municipal election for officers, every three years thereafter. He shall give such bond and receive such fees as may from time to time be determined by the corporate authorities.

Bond.

Duties.

It shall be his duty to inspect, classify and weigh each barrel or half barrel of flour, brought into the city for sale; if in sacks or bags, he must inspect, weigh and class, and mark on each barrel or half barrel, sack or bag, its weight, quality and class.

Weight of
barrels and
sacks.

Each barrel of flour shall contain one hundred and ninety-six pounds of flour, English weight; and each half barrel, or sack intended to represent a half barrel of flour, shall contain ninety-eight pounds of flour, net weight; and if intended for the first quality, shall be branded "extra;" if intended for the second quality, shall be branded "extra superfine;" and if intended for the third quality, shall be branded "superfine;" all of which brands shall be accompanied with the initials of the inspector, with the words "City of Mobile" added: which shall entitle the flour to be sold as bearing the quality thereon described.

Brands.

Shall not be
interested in
sales of flour
only for private
use.

§ 172. No inspector shall be directly or indirectly interested in the purchase or sale of flour, other than for his own private use for the consumption of his family, under penalty of dismissal from office.

§ 173. All persons receiving flour for sale, shall report the same to the inspector, at the place designated by him as his office, for inspection, as soon as the said flour is received in the city of Mobile, and before it is offered for sale; and for failure or refusal to report the flour as provided in this section, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars, and it shall be the duty of the inspector to promptly inspect all flour when receiving notice.

Seller must report receipt of flour to the inspector.

§ 174. That for the inspection of flour, the inspector shall provide himself with a half-inch barrel auger, with which each barrel, half barrel, or sack of flour, shall be bored into, so as to satisfy himself of the quality of the flour. If he shall brand any barrel, half barrel or sack, without boring into it and examining its quality; or if any barrel, half barrel, or sack, shall turn out to be inferior in quality to the brand he places upon it, he shall be subject to such fine as the mayor may impose, not exceeding fifty dollars, and moreover he and his securities on his official bond, shall be liable to an action for damages to the party injured.

Inspector must bore into and examine each barrel and half barrel.

Penalty for failure to make proper inspection.

§ 175. And if the owner of any flour shall offer the same for sale, after it has been inspected and condemned, either as unfit for use or containing a mixture of Indian meal, or any other mixture, without making known to the purchaser its true condition, he or they shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Penalty for selling condemned flour.

If any person shall alter or erase any brand or mark of the inspector, he shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

No one shall erase or alter brand.

It shall be the duty of the inspector, before inspecting any flour, to require the owner or consignee thereof to exhibit his business license, authorizing him to carry on business in the city of Mobile; and for any failure of the inspector to comply with the provisions of this section, he shall be fined such sum as the mayor may impose, not exceeding fifty dollars.

Must require seller to produce business license.

CHAPTER XVIII.

JURORS.

An Ordinance to punish Defaulting Jurors.

Jurors failing
to attend
fined \$10.

§ 176. *Be it ordained*, That every person summoned by the authority of the mayor, aldermen or common council, to attend as a juror for any purpose authorized by the laws and ordinances of the city, who shall fail to attend within the time and at the place specified in the summons, shall be fined ten dollars.

CHAPTER XIX.

VACANT LOTS.

An Ordinance respecting Vacant Lots.

To be fenced.

Cleansed when
directed.

Penalty.

§ 177. *Be it ordained*, That all persons owning or possessing lots that are vacant in the city, shall fence them with a good and substantial rail or board fence, and shall cleanse and clear them off whenever so directed by the city authorities, of which ten days' notice shall be given in time of health, under penalty of five dollars, and five dollars for every day the neglect or refusal continues: *Provided*, That the mayor shall be authorized to have any lot enclosed, whenever in his judgment it shall become a nuisance.

Where owner
is unknown.

§ 178. That where no owner, possessor or agent can be found, the same proceedings shall be had as are provided in the ordinance relating to making and repairing side-walks.

CHAPTER XX.

MARKETS.

An Ordinance to establish and regulate Markets.

ARTICLE I. MARKET ESTABLISHED.

- “ II. RENTING AND ALLOTMENT OF STALLS.
 “ III. ELECTION OF, AND DUTIES OF CLERK OF THE MARKET.
 “ IV. REGULATIONS.

ARTICLE I. MARKET ESTABLISHED.

An Ordinance to establish Markets.

§ 179. *Be it ordained*, That the three market buildings Established.
 erected in the city are established as public markets.

That located on the square bounded by Royal, Church, Southern
 Water, and Government streets, shall be called the market.
 “Southern Market.”

That located at the intersection of Dauphin street, Dauphin street
 Spring Hill Road, and Wilkinson street, shall be called market.
 “Dauphin street Market.”

That located at the intersection of Spring Hill and Ann street
 Three Mile Creek Road, shall be called the “Ann street market.
 Market.”

ARTICLE II. RENTING AND ALLOTMENT OF STALLS.

An Ordinance to provide for the Renting and Allotment of Stalls in the
 Markets.

§ 180. *Be it ordained*, That on or before the first Monday Minimum to
 in October in every year, the mayor and the joint market be set and
 committee shall fix the minimum price of the stalls and published.
 stands in the market, and when made, the mayor shall
 publish it in the official newspaper of the city.

That on the first Monday in November in every year, 1st Monday in
 the stalls and stands in the market shall be rented for one November
 year, at public auction, to the highest bidder, for cash, un- stalls, &c., to
 der the direction of the mayor and joint market committee, be rented.

and no bid under the minimum price shall be received; and any stall or stand not rented at auction, may be rented by the joint market committee in such manner and on such terms as they may deem expedient.

Treasurer to give receipt.

The city treasurer shall give a receipt therefor, specifying the number of the stall, which receipt shall entitle the holder to the occupation and use of such stall for one year.

Two stalls to be set apart as public stalls.

§ 181. That the mayor and joint market committee shall select and set apart two stalls in the meat market as public stalls, for the use of country persons and others not regular butchers, who may, from time to time, sell butchers' meat in the market.

Fish market.

§ 182. That a certain number of stalls, to be determined by the mayor and the joint market committee, shall be set apart at the eastern end of the meat market, as a fish market.

Portions to be allotted for meat, vegetables, fish and country produce.

§ 183. That the mayor and the joint market committee shall, from time to time, determine what portions of the market shall be occupied for the sale of meat, vegetables, fish, country produce, and articles sold in the market.

Not to be let, nor to be occupied by others.

§ 184. That it is not lawful for any person renting stalls in the market to re-let the same for any time, nor permit others to occupy jointly, or to sell any marketable commodity from or on their stalls.

But may sell out, provided.

But every person may make a full and complete sale of the residue of the term for which any stall is rented, if the seller shall notify the city clerk of such sale, with name of the purchaser; and no sale or transfer shall be valid until this is done.

No person shall enter into any combination to prevent fair sale of stalls.

If any lessee of stalls or stands, or any other person or persons, shall enter into any combination or conspiracy, to prevent the market stalls or stands from renting at auction for more than the minimum price; or if any person or persons shall threaten with violence, or in any way intimidate or prevent any one from bidding on any stall or stand rented at auction, he shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Penalty.

ARTICLE III. ELECTION, AND DUTIES OF CLERK OF THE MARKET.

An Ordinance to provide for the Election, and define the Duties of the Clerk of the Market.

§ 185. *Be it ordained*, That there shall be annually elect- Clerk elected.
ed by the convention, "a clerk of the market," who shall Bond and
give bond in such sum and receive such compensation as salary.
the corporate authorities shall from time to time deter-
mine; he paying all expenses for keeping the market in a
neat and cleanly condition.

§ 186. That it is his duty to attend at the market-house Duties.
during market hours. To maintain order and enforce obe-
dience to the rules and regulations of the market, prescribed
in this chapter, and report to the mayor any infraction
thereof.

To decide all disputes between buyers and sellers, as to
the weight, measure, or quality of any article offered for
sale, or sold.

To procure and have sealed at the expense of the city,
at least two complete sets of measures, of the capacity of
from a bushel down to half a peck; and one complete set
of scales and weights, conforming to the standard of mea-
sures and weights of the State of Alabama, which shall at
all times be kept at the market-house.

To seize and destroy all, or regulate and correct any un-
lawful weight, scale, or measure.

To seize all impure meat, fish, and provisions, and dis-
pose of them as the mayor may direct.

To cause to be swept, washed, and thoroughly cleaned,
every day as soon as market hours are over, all parts of
the market, and market premises, and to see that the same
be always kept clean, and free from every description of
filth.

To keep the market-place, avenues, alleys, walks, side-
walks, and streets surrounding or adjoining to the market,
free from all obstructions, and to remove, or cause to be
removed, all horses, carts, wagons, drays, and vehicles,
and all and every article or thing which may prevent or
interfere with, the free passage, and approach to, through
or around the market or market-place.

§ 187. To ring the market bell half of an hour previous to the time for closing the market, on every occasion.

To light, or cause to be lighted, the lamps in the market, as follows: At early candle light, only four lamps in the market. At four o'clock in the morning, such others shall be lighted as convenience or necessity shall indicate, and all shall be extinguished at early daylight.

On Saturday evenings the lamps shall be lighted at early candle light, and as soon as the market is over to extinguish all but four, which shall be extinguished at early daylight in the morning.

Fees.

§ 188. That he shall collect from each unsold vacant or public stall, for the use of the city, a daily tax from such person or persons as may occupy them.

ARTICLE IV. REGULATIONS.

An Ordinance to regulate the Market.

Market hours.

§ 189. *Be it ordained*, That the regular market hours shall be from daybreak until ten o'clock in the morning each day; and on Saturday evening from three o'clock, P. M. until nine o'clock, P. M., and on Sunday mornings from daybreak until 9 o'clock in the morning.

Shall sell by retail.

§ 190. That every butcher occupying a stall in the market shall sell meat in any quantity, by retail, that any person may want. But he shall not be required to sustain an evident loss by such sale, of which the clerk of the market shall determine.

Meat not to remain in market from June to November.

Nor shall meat of any description be permitted to remain in the market-house after market hours, from the first day of June to the first day of October.

Nor to be hung up, except—

Nor shall any butcher hang up or keep his meat in any other place than at his stall, or butcher-pen, and when hung up at his stall it shall be hung in the rear of the stall and not in front or on the side.

No skins to be exhibited.

Nor shall he exhibit any skins of beeves or other slaughtered animal in the market-house.

Nor offer unsound meat.

§ 191. That no person shall offer for sale at the market-house any unsound or impure meat, fish or provisions.

How weighed.

§ 192. That all articles sold in the market by weight or measurement, shall be weighed and measured by scales,

beams, weights, balances and measures according to the standard of the State of Alabama, and unless the seller has them sealed and inspected by the inspector of weights and measures, he shall use those kept by the clerk of the market.

§ 193. That no person except those who lease stalls in the public market, shall hawk or peddle about the streets of the city, any meat, game, poultry, vegetables or any other article or commodity, usually sold or vended in the market, nor sell or offer to sell at retail any such articles (eggs, potatoes, melons and vegetables excepted,) at any store, stand, street or place in the city, except at the public markets: *Provided*, that retailing herein shall not be so construed, as to prevent merchants who receive beef by the quarter in the regular course of their business, from the country, on commission, from selling the same by the quarter.

No person, except lessees of stalls shall hawk or peddle.

Commission merchants may sell beef by the quarter.

And those leasing stalls shall not hawk or peddle about the streets, any meat, game, poultry or vegetables, or other articles usually sold in the market, until 9 o'clock A. M. of the day.

Lessees must not peddle until after 9 o'clock A. M.

§ 194. That any person residing out of the city may sell and retail meat by the pound, at the public stalls in the meat market, or if those stalls be in use at any other place assigned, that may be assigned by the clerk of the market, and such persons shall be subject to all of the provisions of these ordinances.

Non-residents may sell at public stalls.

That it shall not be lawful for any of the regular butchers in the market, or any person connected or interested with them directly or indirectly, to rent or use any of the public stalls, or molest or interfere with, in any manner, the person who may for the time have the occupancy of any public stall.

Butchers shall not.

§ 195. That it shall not be lawfull to sell or expose for sale until after 12 o'clock, M., any fish in any place in the city other than in the fish market. That no ice box shall be kept in the fish market.

Fish, how offered.

§ 196. That all persons who use any of the public or vacant stalls or stands, and all carts or wagons which use the same, shall pay such tax or fees as may be from time to time imposed by the corporate authorities.

Fees for public stalls.

§ 197. That no person shall, during market hours, buy or contract for any provisions, or article usually sold in the

No monopoly, regrating, or forestalling.

market, in such quantities as to prevent others applying at the same time from having an equal share thereof, or so much as the clerk of the market may consider that the several applicants are entitled.

Nor speculating.

Nor shall any person, during market hours, buy or contract for in the market any provisions or article usually sold in the market for the purpose of retailing or making a profit thereon.

Fee to be paid to each market where anything is sold or offered.

Nor shall any huckster or other person buy any article or marketable commodity, in one market, to be sold in another, without paying a fee to each market.

No article to be taken without consent.

Nor shall any person, under any pretence of any bargain, take or carry away any article without having paid therefor or without the consent of the owner.

Stalls to be washed.

§ 198. That every butcher occupying a stall in the market shall, once in every day, under the inspection of the clerk of the market, wash and scrape down his stall and benches, and keep the same clear from all kinds of filth.

And all persons occupying any stall, stand, cart or wagon, in or near the market, shall cause the same to be washed and cleaned at least once every day.

Not to interfere with lights.

§ 199. That no person shall meddle with lights or extinguish any of the public lamps in the market, except the clerk of the market.

Penalty.

§ 200. That any one violating any provision of this chapter shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

CHAPTER XXI.

MILITARY.

An Ordinance to establish an Armory for the First Volunteer Regiment.

Location.

§ 201. *Be it ordained*, That the second story of the stores in the southern market, (except the room over number 13,) on Church street, with the room under the stairs and the stairs leading thereto, is hereby established as an armory for the city of Mobile, to be under the control and direction of the officers of the first volunteer regiment, for which they shall pay annually the sum of dollars.

To be used as a place of deposit for their arms and equipments, and for their safe keeping, and for such other purposes as the officers of the regiment deem necessary for the proper discharge of the duties of the regiment.

§ 202. That they shall have entire and exclusive control of the said armory, except when in cases of invasion, insurrection, rebellion, riots, or civil commotion, it shall be necessary, for the time being, to quarter an additional number of police or troops.

Regiment to have exclusive use of, except—

In such cases the city authorities shall have the right to use such part of the armory as may be necessary for such purposes.

§ 203. That no alterations or additions shall be made to the building, except with the consent of the city authorities.

No alteration to be made, except—

§ 204. That whenever there shall be any riot, rebellion, insurrection, invasion or civil commotion, the mayor shall make a requisition on the officer in command for such companies or number of men and arms as in his judgment may be necessary.

In cases of rebellion.

And such officer shall detail such men and supply such arms with promptness and dispatch.

Duty of officer.

CHAPTER XXII.

MILK.

An Ordinance to prohibit the sale of Impure Milk.

§ 205. *Be it ordained*, That no unwholesome, adulterated or watered milk shall be sold in the city, under such penalty as the mayor may impose, not exceeding fifty dollars.

Milk to be pure
Penalty.

§ 206. That any person peddling milk, or driving a milk wagon, who shall violate the provisions of this ordinance, may be prohibited from the sale of milk for such time as the officer trying the case may determine, and if he shall sell any milk within such time he shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Peddler or
cart driver.

Penalty.

CHAPTER XXIII.

PATROL.

An Ordinance to establish Citizen Patrol.

Chief of police
to keep the
names of all
citizens.

§ 207. *Be it ordained*, That the chief of police shall keep a book in which shall be recorded the names of all the free white male citizens over the age of sixteen years, residents of the city.

To which list he shall add from time to time, and at least once in three months, the names of all such persons as may hereafter become residents of the city, if they shall have resided therein ten days. That all such shall be subject to patrol duty (unless they are exempt by some law or ordinance), under the direction and supervision of the regularly appointed police officers.

Patrol to be
selected by lot.

§ 208. That whenever it may be deemed necessary by the city authorities to establish patrols, the chief of police, under the direction of the mayor, or in his absence one of the aldermen or common councilmen, shall select by lot from the names of citizens as recorded, such number as may be necessary to guard and protect the city each and every night.

When sick or
absent.

And in case the person drawn shall be absent or unable to perform his duty by reason of sickness, his name shall be replaced in the lot, to be drawn again.

Chief of police
shall notify.

§ 209. That the chief of police shall cause all persons whose names have been drawn to be notified at least six hours before they are required to attend and perform the service of patrol for one night, specifying the time and place for their attendance, and if he fail to attend and faithfully perform the duties of patrol, he shall be fined such sum as the mayor may impose, not exceeding fifty dollars.

Penalty for
failing to at-
tend.

Regulations
of patrol.

§ 210. That the patrol shall, under the direction of the police officers, have full power and authority to stop and apprehend any suspicious person, or any person who may be guilty of disturbing the peace and good order of the city. It shall be their duty to disperse all unseasonable, riotous, or disorderly meetings of all persons.

CHAPTER XXIV.

PAWNBROKERS.

On Ordinance concerning Pawnbrokers.

§ 211. *Be it ordained*, That no person shall carry on or To be licensed.
conduct the business or calling of a pawnbroker in Mobile,
unless he give such bond and pay such license as the cor- Bond.
porate authorities may from time to time determine.

The condition of the bond shall be, that he will in every Person injured
may have a
right of action
on bond.
particular conform to the provisions of this or any other
ordinance which may be passed concerning pawnbrokers,
and every person injured by him in any dealing or trans-
action with him as a pawnbroker shall have a right of
action against him on such bond until the penalty is
exhausted.

Any person who loans money on deposit or pledge of per- Defined.
sonal property, or who deals in the purchasing of personal
property, on condition of selling the same back again at a
stipulated price, is defined and declared to be a pawnbroker.

§ 212. Every person so licensed shall keep at his place Shall keep
book.
of business a book, in which he shall enter in writing a
minute description of all property received on deposit,
pledge, or purchase, as aforesaid; particularly mentioning
any prominent or descriptive marks that may be on such
property,

The time when received,

The name and place of residence of the person from
whom received.

Which book shall be kept clean and legible, and no entry
therein shall be erased, obliterated or defaced.

Any pawnbroker who shall violate any of the provisions Penalty.
of this ordinance, shall be fined in such sum as the mayor
may impose for each violation, not exceeding fifty dollars.

§ 213. That every person so licensed shall, during the Book to be
subject to
police exami-
nation.
ordinary hours of business, when requested by the mayor,
chief of police, or any police officer of the city, submit and
exhibit such book to their inspection; and shall exhibit
any property that may have been so left with, or received
by such pawnbroker, under penalty of fifty dollars.

CHAPTER XXV.

POLICE.

An Ordinance respecting the City Police.

ARTICLE I. GENERAL REGULATIONS.

" II. CITY PRISON.

" III. SECRET FUND.

ARTICLE I. GENERAL REGULATIONS.

Mayor, head
of police.

§ 214. The mayor shall be the head of the police department, and shall superintend and direct the police generally.

See that the several members are prompt and faithful in the discharge of their duties, and at all times shall take such measures as he may see fit for the preservation of the peace and good order of the city, and enforcing the laws and ordinances of the city.

Aldermen and
common council
shall
co-operate, &c.

§ 215. The aldermen and common councilmen shall co-operate with the mayor in preserving the peace, and enforcing the laws and ordinances. As conservators of the peace, they may arrest, or cause to be arrested, with or without process, and taken before the proper tribunal in the city, all persons who shall break or threaten to break the peace; and may commit or admit such persons to bail.

Duties.

They may arrest, or cause to be arrested, all persons who shall be found committing or violating, or who may be reasonably suspected of having committed any crime or misdemeanor, or violated any ordinance of the city, for the preservation of the peace and good order thereof,

Powers.

And shall have power to detain, or order the detention of all such persons in custody, in the city prison, over night, and over the Sabbath, and until such person can be examined or tried by a competent court or magistrate, unless he give bond according to law.

Numbers to be
designated by
boards.

That there shall be appointed annually by the mayor of the city, as many policemen as may be designated from time to time by the boards, to guard and protect the city.

And shall be subject to his control in the discharge of their duties, and may at any time be removed by him for any misconduct or neglect of duty.

§ 216. The chief of police shall be the chief of the acting Chief of police. police, under the mayor.

It shall be his duty to cause and see that the public Duties. peace is preserved, and whenever any violation thereof shall come to his knowledge, or be reported to him, he Shall report. shall cause the requisite complaint to be made, and see that the evidence is procured for the successful prosecution of the offender.

He shall obey, and cause the police officers under him to Obey mayor. obey the directions of the mayor, and see that they perform their duties promptly and faithfully.

In case of tumult, riot, insurrections, or threatening In case of tumult, &c. thereof, he shall take command (under the direction of the mayor) in person of the police, and direct their movements and operations in the discharge of their respective duties. He shall attend at the mayor's court, at the mayor's office, Attend mayor's court. and at the office of the city prison, at such times as the mayor may direct.

He shall keep, and cause to be kept, and made at such Shall keep books, &c. time and such manner, all records, registers, books, and reports concerning the affairs and operations of the police department, as may be directed by the mayor.

§ 217. The assistants, and all other police officers, shall, Assistant chief of police's duty. in all things, obey and assist the chief of police in the discharge of his duties.

§ 218. The captain of the night watch shall be the Captain of the night police. chief executive officer (under the mayor and chief of police) of the night watch, and shall direct them or any member of them under him. And he shall obey, and cause the members of the night watch under him to obey the rules, orders, and regulations prescribed by the mayor and the ordinances of the city. Duties.

He shall be responsible for the efficiency, general conduct, and good order of the night watch.

§ 219. The lieutenants shall aid and assist their superior officers in the discharge of all their duties, and shall Lieutenant of the guard. Duties. obey all directions that they may give, and see that his subordinates are efficient, prompt, and faithful, in the discharge of their police duties.

Police officers
or privates.

§ 220. The police officers are required to devote their attention to the preservation of the peace, quiet, and good order of the city, and the enforcement of the city laws and ordinances.

Shall report for
duty.

They shall severally report themselves for duty at such time and place as the mayor, chief of police, or captain of the night watch shall direct, and render such prompt and energetic assistance as may be required of them or the exigencies of the service demand.

Devote their
time, &c.

They shall devote their time and attention to the discharge of the duties of their office according to the regulations prescribed by the mayor.

Preserve order,
&c.

They shall preserve order, peace and quiet, and enforce the laws and ordinances throughout the city.

Power to
arrest.

They shall have power to arrest all persons in the city found in the act of violating any law or ordinance, or aiding or abetting in any such violation, and all dangerous and suspicious characters, and all persons found under suspicious circumstances, and shall take such persons to the police stations to be committed to the city prison, unless they give bond according to law.

Shall serve
process.

They shall have power and authority in the city, to serve and execute warrants and other processes, for the apprehension and commitment of persons charged with or held for examination, or trial, or taken in execution for the commission of any crime or misdemeanor, or violation of any law or ordinance of the city.

Same powers
as State officers
in certain cases.

§ 221. And while making such arrest or while executing or serving, or assisting in the execution or service of any such warrant or process, shall be vested with and have all the powers and authority conferred on such officers by chapter V, title 4, part 2, of the Code of Alabama.

Penalty.

§ 222. Any member of the city police who neglects or refuses to perform any duty required of him by the laws or ordinances, or the mayor, or in the discharge of his official duties shall be guilty of any fraud, extortion, oppression, favoritism, partiality, or wilful wrong, or neglect of duty, or injustice, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars, and be discharged from office.

No person shall
resist or inter-
fere with any
officer.

§ 223. If any person shall resist any police officer in the discharge of his duty, or shall in any way interfere with or hinder or prevent him from discharging his duty as a police

officer, or offer or endeavor so to do, or assist any person in custody of any policeman to escape or attempt to escape from such custody, or rescue or attempt to rescue any person so in custody, he shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

§ 224. All persons when called on by any police officer shall promptly aid and assist him in the execution of his duties, under such penalty as may be imposed by the mayor, not exceeding fifty dollars.

All persons shall assist officers when called on.

§ 225. If any person shall falsely represent any of the members of the city police, or shall maliciously or with intent to deceive, use or imitate any of the signs, signals, devices, or similar uniform or number adopted and used by the city watch, he shall be fined such sum as the mayor may impose, not exceeding fifty dollars.

No person shall falsely represent police, &c.

§ 226. The officers and members of the police shall, as soon as practicable after the passage of this ordinance, be uniformed and numbered, and the officers thereof shall wear a badge of office, which uniform and number shall be prescribed and designated by the mayor and joint police committee.

Police to be uniformed and to wear badge and number.

The uniform and number shall be worn at all times when on duty, and when any officer or member thereof shall resign, be discharged, or term of office expires, he shall deliver his number to the chief of police, who shall be held accountable for the same; and in case of death, the chief of police shall procure his number from his family or other person who shall be in possession of the same.

In case of death, resignation, or discharge, number to be delivered to chief of police.

Such number shall be worn and at all times attached to the front of the hat or cap, so that the same may be distinctly seen.

Number worn in front of hat or cap.

If any policeman, after resignation, discharge, or expiration of office, shall fail or refuse to return his number, he shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Penalty.

The number and the badge shall be furnished at the expense of the city, and the uniform shall be furnished by the police at their own expense.

ARTICLE II. CITY PRISON.

An Ordinance to establish and regulate the City Prison.

City prison,
location of.

§ 227. *Be it ordained*, That the building on the south side of Conti street, between Royal and St. Emanuel streets, now occupied as the city guard house, be, and is established and called the city prison, and shall be the place of confinement of such persons as are imprisoned for violation of the city laws, ordinances and by-laws, and for the temporary safe-keeping of persons arrested by the city police.

Mayor shall
appoint keeper,
deputy keeper,
and three alarm
sentinels.

§ 228. That there shall be appointed, by the mayor, a keeper of the city prison, a deputy keeper, and three alarm sentinels.

Keeper.

§ 229. The keeper of the city prison shall have the charge and keeping of the prison, and the custody of all persons confined therein.

Deputy keeper.

§ 230. The deputy shall in all things obey and assist him in the discharge of his duties.

Duty of keeper.
Shall give
receipt.

§ 231. When any person is committed therein he shall give to the officer or person who may have the custody of such person, a receipt stating the alleged name, the charge against him, and from whom received, and when such person is discharged or placed in custody of any other officer or person he shall take a like receipt, a copy of which he shall keep in his office.

Take receipt.

Copies.

Keep book to
keep account
of all articles
received or
taken from
prisoners.

He shall keep in a book, kept for that purpose, a full account of all articles or property taken from any person placed in his custody, or received of any person in custody, for which he shall give a receipt to such person, setting forth the date, name of the person and description of the articles, and upon the discharge on bond, or otherwise, of the prisoner, shall deliver such articles as belong to him, unless they have been used as the means of committing a felony, or necessary to be used in evidence.

Shall furnish
food.

He shall furnish to all persons who are confined therein, proper food and diet, according to the regulations that may from time to time be made by the city authorities.

Shall keep
prison clean.
Shall make a
weekly report
to the mayor.

He shall keep the prison clean and well ventilated.

He shall weekly make a report to the mayor, of the names of all persons committed, discharged and remaining

in custody, accompanied with the vouchers for the discharge.

§ 232. He shall deliver, or cause to be delivered to any prisoner confined therein, any food, drink, wearing apparel, or bed clothing (wine or spirituous liquors excepted) which may be brought to the prison for any prisoner.

Prisoner to have food and clothing delivered to him in prison.

It shall not be lawful for the keeper of the city prison, or any police officer, to prevent a prisoner from having interviews with counsel, relations or friends, in the day time, for a proper purpose. Such interviews may, at his discretion, be in his presence, or in the presence of some police officer under his direction, or the direction of the chief of police.

Prisoner to have communication with counsel and relatives.

The keeper of the city prison shall inspect all articles of food or clothing brought to the city prison, for a prisoner, to see that there are no tools or implements thus conveyed into the prison to aid in the escape of any one.

Keeper of prison to examine articles sent to prisoners.

Any keeper of the city prison, or any police officer, who shall violate the provisions of this section, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars, and shall be discharged from service.

§ 233. He shall demand and collect for the city from every person confined therein for any violation of the ordinances of the city :

Fees of prison.

For commitment, - - - - - \$1 00
And for every day that he may continue there, - - - 30
And for every bond, - - - - - 50

§ 234. That one of the alarm sentinels shall be at all times on the bell tower, to watch and observe the city.

Duty of alarm sentinel.

He shall cry the hour of night, or strike the bell, at each half hour through the night, till daylight, as he may be directed by the mayor.

Shall cry the hour or strike the bell.

§ 235. Whenever there is any alarm of fire, he shall strike the bell to indicate the alarm for all parts of the city south of Dauphin and east of Royal street, with one tap.

On an alarm of fire, shall strike the bell.

All north of Dauphin, east of St. Joseph, two taps.

Fire limits defined.

All south of Dauphin, west of Royal, and east of Franklin, three taps.

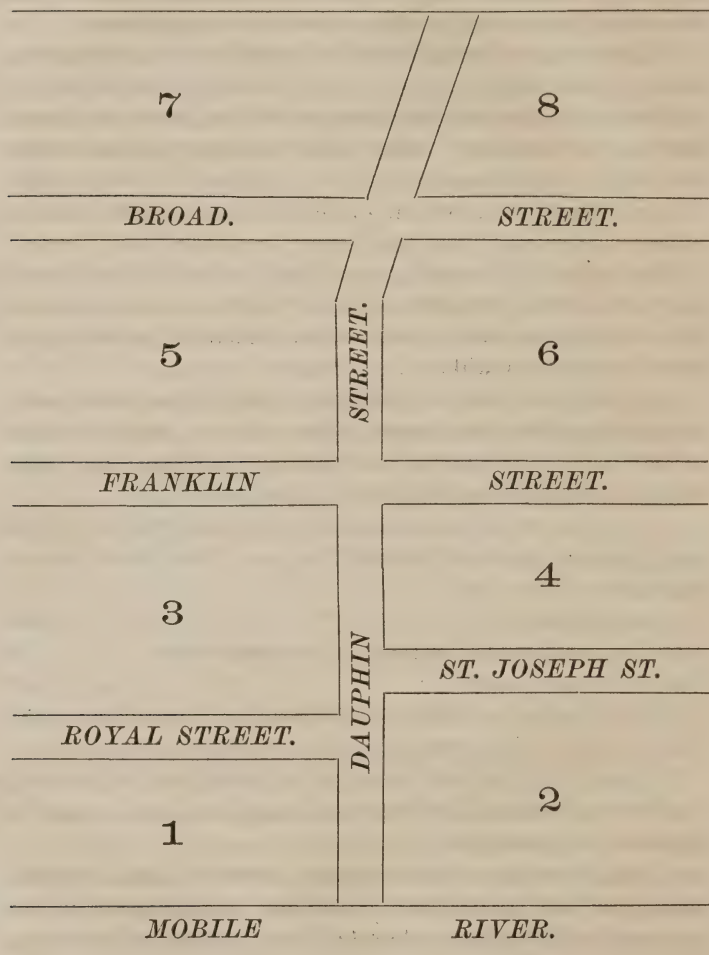
All north of Dauphin, west of St. Joseph, and east of Franklin, four taps.

All south of Dauphin, west of Franklin, and east of Broad, five taps.

All north of Dauphin, west of Franklin, and east of Broad, six taps.

All south of Dauphin, and west of Broad, seven taps.

All north of Dauphin, and west of Broad, eight taps.



For riot, &c.

For riots or civil commotion, rebellion or insurrection, double the number.

Viz: 1, 1; 2, 2; 3, 3; 4, 4; 5, 5; 6, 6; 7, 7; 8, 8.

ARTICLE III.

An Ordinance to establish a Secret Fund.

§ 236. *Be it ordained*, That there is appropriated from Appropriation. the city treasury an amount equal to ten per cent. on the total money paid by the chief of police, to be called the "Secret Fund."

§ 237. This amount shall be paid by the treasurer to the To mayor. mayor, who shall take his receipt within five days after it is paid into the treasury.

To be under his sole control—to be used as he may see Under his direction. fit in facilitating the operations of the police, and to make them efficient.

He shall make monthly exhibits to the presidents of the He shall make monthly exhibits. two boards as to the disposition of the fund, and annual reports to both boards.

§ 238. If it appear to the mayor and the two presidents Duty of when the fund is too large. at any time, that the fund is larger than is necessary for its purpose, such surplus shall be paid to the city treasurer, taking his receipt for it.

CHAPTER XXVI.

CITY PORTER.

An Ordinance creating the Office and defining the Duties of City Porter.

§ 239. *Be it ordained*, That the mayor shall, as soon as City porter to be appointed by mayor. practicable after the passage of this ordinance, appoint a city porter, who shall hold his office for the balance of this municipal year, and shall be annually appointed thereafter by the mayor, and who shall be removed at the pleasure of the mayor for any reasonable cause or dereliction in the performance of his official duties.

He shall receive such salary as the corporate authorities may from time to time determine.

§ 240. It shall be the duty of the city porter to have all Duties of porter. the offices of the public officers of the city in the municipal buildings, properly cleaned and prepared for their occu-

pancy by 9 o'clock of each day, with fires lighted, and supplies of coal provided in said offices, whenever the same may be necessary.

He shall attend the meetings of the boards, committees and conventions.

It shall also be his business to be in attendance at the municipal buildings during office hours, and as long as any of the city officers may be engaged in their offices, and to attend to the lighting of the rooms and fires at each regular and called meeting of the boards of aldermen and common council, or conventions, and to remain until after such boards or convention adjourn, to perform any services that may be required of him by them. He shall also attend at the municipal buildings as long as any committee of either board shall be in session. He shall go on all errands that may be required of him by an officer on official business, and to do and perform such other duties as may be required of him from time to time by the corporate authorities.

Penalty.

For any violation by the city porter of any of the provisions of this ordinance, shall subject him to such penalty as the mayor may impose, not exceeding fifty dollars.

CHAPTER XXVII.

POWDER—GUNPOWDER.

An Ordinance to regulate the keeping of Gunpowder.

Keeper elected. § 241. *Be it ordained*, That there shall be annually elected in convention a keeper of the powder magazine, who shall give such bond and receive such compensation as the corporate authorities may from time to time determine.

Duties.
Shall keep book

§ 242. That he shall keep a book in which he shall note and enter every keg and package of gunpowder received into and delivered from the magazine, or transferred while in the magazine, as well as the owners' names, and the marks and numbers thereof. And he shall render an account quarterly, and oftener if required by the city authorities, of all gunpowder stored.

Fees.

§ 243. And for his services he shall receive fifteen cents for the first keg of powder delivered to any person, and eight cents for each additional keg delivered, which shall

be regarded as sufficient compensation for furnishing and feeding his horse to be used for delivering said powder.

He shall, monthly, and up to the end of each and every month, present to the mayor, aldermen and common council, a full, exact, and correct account of all moneys received by him for receiving, storing, and delivery of powder, and pay the same to the city treasurer.

Shall make monthly reports of money received.

He shall keep at all times, and in good repair, a covered wagon or cart (to be furnished and provided by the mayor, who is authorized and required to provide it at the expense of the city) for the transportation of powder to and from the magazine.

Shall keep a wagon.

§ 244. That the house and premises now occupied for the storage, located at or near the mouth of Chickasabogue, is established as the "powder magazine" for the city of Mobile.

Magazine established.

§ 245. That it is not lawful for any person to keep more than twelve and one-half pounds of gunpowder in one parcel, nor more than two parcels in his store, warehouse, dwellinghouse, or outhouse, in the city, at any one time; and such gunpowder shall be kept in tin canisters.

No powder to be kept except—

§ 246. That no vessel having powder on board shall be permitted to be alongside of any wharf in the city more than twenty-four hours.

No vessel shall lay at the wharf with powder.

§ 247. That no person shall land any gunpowder at any of the wharves of the city in any box, tierce, or package, other than the original keg or barrel, unless the same be legibly marked "powder."

How landed.

That no person, except the keeper of the powder magazine, shall carry gunpowder through the streets of the city.

How carried.

That every owner, agent, or consignee of any powder landing from any vessel, shall deliver it over immediately to the keeper of the powder magazine to be stored.

Shall be delivered to keeper.

Every person violating this ordinance shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Penalty.

§ 248. That for every keg or package of gunpowder, of not more than 25 pounds, received into the magazine for storage, there shall be paid in advance, for the first six months, 75 cents, and in that proportion for large packages. And if the powder remain in the magazine for a longer time than six months, there shall be paid in advance one half of these

Fees for storage

rates. And so on for each and every succeeding six months.

That if the ownership of any powder shall be changed while on storage, the keeper may collect fifty cents for every transfer, for the registry thereof.

That every person having powder in the magazine shall indorse on the back or margin of every order for powder, the time to which the storage of such powder has been paid.

Powder remain-
ing more than
six months for-
feited.

§ 249. That all powder remaining in the magazine six months, on which the storage has not been paid, shall be forfeited to the city, and sold at auction.

Fire warden to
direct the stor-
ing of rosin, tar,
turpentine, oil,
&c.

§ 250. That rosin, tar, pitch, spirits of turpentine, petroleum oil, and kerosene oil, shall be stored at such place or places as may be designated by the fire wardens and approved by the mayor: *Provided*, that any merchant or other person may keep five barrels of each for sale in his place of business; and any person violating this section shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Any merchant
may keep five
barrels on sale.

CHAPTER XXVIII.

PROPERTY OF THE CITY.

ARTICLE I. MUNICIPAL BUILDINGS.

" II. PUBLIC PARKS.

" III. CITY PROPERTY.

ARTICLE I. MUNICIPAL BUILDINGS.

An Ordinance respecting the Municipal Buildings.

Municipal
buildings de-
clared.

§ 251. *Be it ordained*, That the second story of the centre building of the southern market, fronting on Royal street, with the stairs leading thereto, is established as the municipal building of the city of Mobile, within which the mayor or some one of the aldermen or common councilmen of the city of Mobile shall, on each day of the week, except Sunday, hold court for the trial and determination of all

The mayor's
court room.

Court to be held
daily.

offences against, or violations of, the by-laws and ordinances of the city, which shall be called "The Mayor's Court," at which times may be heard complaints against persons charged with offences against the laws of the State of Alabama, in a room to be called the mayor's court room.

§ 252. The board of aldermen shall hold their meetings in another. Aldermen's room.

§ 253. The board of common council shall hold their meetings in the room assigned to the city treasurer. Common council.

§ 254. The mayor shall have his office in another. Mayor.

§ 255. The city treasurer in another. Treasurer.

§ 256. The city clerk in another. Clerk.

§ 257. The city tax collector in another. Tax collector.

§ 258. The city assessor in another. Assessor.

§ 259. The city engineer in another. Engineer.

§ 260. The chief of police and his assistants and the officers of the police, shall have an office in another. Chief of police. Assistants and officers of police

§ 261. The city police shall have an office in another. Police.

§ 262. And a guard-room for the safe-keeping and security of persons who may be in custody, awaiting (temporarily) the hearing of the case against them. Guard room for safe keeping.

ARTICLE II. PUBLIC PARKS.

An Ordinance respecting Public Parks.

§ 263. *Be it ordained*, That the square bounded by Dauphin, St. Francis, Conception, and St. Joseph streets, is established as a public park, to be called Bienville Park. Bienville park.

§ 264. That the square bounded by Charles street on the east, on the south by Augusta street, on the west by Chatham street, on the north by Maine and Charleston streets, is established as a public park, to be called Washington Park. Washington park.

§ 265. That no person shall use or occupy any portion of either of the public parks, nor deposit any lumber, timber, wood, brick, or any other material, nor hang clothes nor clothing, nor permit it to be done without the permission of the city authorities. Not to be occupied.

- Trees, &c., not to be injured. § 266. That no person shall cut down, bark, or in any manner injure, cut, or break any tree, shrub, or flower planted in or about either of the public parks.
- Horses, &c., not to be turned into. § 267. That no person shall turn into either of the parks any horse, cattle, or any animal whatever, nor permit it to be done.
- Nuisances forbidden. § 268. That for any intrusion upon, or interference with, either of these parks, not heretofore specified, calculated in any manner to injure or deface, and for every nuisance committed therein or thereon, and for any violation of this ordinance, shall be subject to such fine as the mayor may impose, not exceeding fifty dollars.
- Penalty. § 269. That the police officers shall take any property or animals that may be found in either park, and place it in safe keeping, subject to the order of the chief of police, and give notice thereof to the owner at once. If no owner be found, or if he fails to pay the fine and costs, the chief of police shall sell it as follows:
- Duty of police. § 270. At the expiration of one week from the time it was taken, he shall give three days' notice in the official newspaper of the city, that it will be sold to pay the fine and costs, at which time he shall sell it to the highest bidder, for cash, in front of the municipal buildings, and the excess shall be paid to the owner, when known; if unknown, it is forfeited to the city.
- May sell property or animals or property not claimed.

ARTICLE III. CITY PROPERTY.

An Ordinance respecting City Property.

- Stores in southern market to be rented. § 271. *Be it ordained*, That the stores erected in the southern market property shall be rented by the joint market committee, in such manner and at such time as, in their opinion, may best promote the interest of the city.
- Directions as to leases. § 272. That all leases shall expire on the first Monday in November of each year. That before executing a lease, or giving possession to any person, the committee shall take notes with securities approved by four of their number. Each note to be for three months' rent, and made payable to the order of the city treasurer (who shall have the custody of them) at the Bank of Mobile.

§ 273. That all property belonging to, or pertaining to the city, not provided for, or regulated by any of the ordinances of the city, shall be under the control and disposal of the mayor and the presidents of the board of aldermen and common council, subject to approval of the mayor, aldermen and common council.

All other property to be under control of mayor or and presidents of two boards.

§ 274. That no person shall injure or deface any of the lamps nor lamp-posts, nor anything pertaining thereto, of the city, or extinguish the light thereof.

Lamps, &c., not to be injured or extinguished.

Nor injure, nor destroy, break down, nor deface any building, nor carry away any property whatever belonging to the city, under such penalty as the mayor may impose, not exceeding fifty dollars.

No property to be injured. Penalty.

CHAPTER XXIX.

PUBLIC POUNDS.

An Ordinance to provide for the Impounding of Animals.

§ 275. *Be it ordained*, That the mayor is hereby authorized, as soon as practicable after the passage of this ordinance, to appoint some suitable person as inspector of animals and pound keeper, who shall hold his office until the end of this municipal year, and that he shall be appointed by the mayor annually thereafter, and be removed at the pleasure of the mayor for any reasonable cause, or for any dereliction in the performance of his official duties.

Inspector of animals to be appointed by the mayor.

He shall give such bond and receive such compensation or fees as the corporate authorities may from time to time determine.

Bond.

§ 276. It shall not be lawful for any horned or other cattle, horses or mules, to go at large within the following prescribed limits of the city of Mobile, to-wit: Commencing at the foot of Congress street, westwardly along Congress to Royal, southwardly down Royal to State, thence westwardly along State to Jackson, southwardly along Jackson to Monroe, thence eastwardly along Monroe to Conception, southwardly along Conception to Eslava, and thence eastwardly along Eslava to the Mobile river; and hogs shall not be permitted to run at large in any part of the city.

Animals not to run at large east of Jackson street.

Hogs not to run at large in any part of the city.

Pound to be erected at expense of the city.

§ 277. That there shall be erected at the expense of the city, on such grounds as the mayor and police committee may select, a high and substantial inclosure, to be known as the public pound, where all animals found going at large in violation of law, shall be confined in such manner and under such rules and regulations as hereinafter prescribed.

Pound keeper must reside near the pound and keep a book and enter name of owner and description of animals.

§ 278. It shall be the duty of the pound keeper to reside at or near the public pound, so as always to be near when animals are brought to be impounded. He shall keep a book in which he shall enter the name of the owner of each animal impounded, if known, with the date thereof, as also at the same time a description of each animal so impounded, and report daily to the chief of police the number and description of all animals impounded, which shall be placed immediately on a bulletin board and hung up in a conspicuous place in the guardhouse, so that the public may at all times see the number and description of all animals confined in the pound. He shall take proper care of all animals in his charge, feeding and watering the same. He shall release all animals in his charge upon proof of ownership and the payment to him of all fees and charges hereinafter provided; and if in making proof of ownership, the party claiming the property shall think that he is unfairly dealt with, he shall submit his proof of ownership to the mayor, or, in his absence, to the acting mayor, whose decision shall be final.

Description of animals to be kept on bulletin board at police office.

Public.

He shall feed and water all animals in pound.

Duties of pound keeper.

§ 279. That it shall be the duty of the inspector of animals and pound keeper to take up and lodge in the public pound all cattle, cows, calves, horses, mules and hogs that may be found running at large in violation of this ordinance; and if any person shall attempt to arrest from the proper officer or either of his assistants any animal in his or their charge, or in any manner interfere with him or them, while driving, leading, or in any other manner conveying any animal to the public pound, the person so offending shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Public sale of impounded animals once a week.

§ 280. That it shall be his duty to hold a public sale at the public pound at the hour of 12 o'clock M. on every Monday of each week.

Animals to be advertised before sale.

That he shall on every Friday, Saturday and Sunday mornings advertise in some newspaper published in the

city of Mobile, the number and accurate description of each and every animal so impounded and to be sold on the following Monday; and in said advertisement shall give notice that all animals not called for and the charges and expenses paid thereon by 11 o'clock of the day of sale, will be sold according to the provisions of this ordinance.

That he shall proceed to sell (after giving the lawful notice as aforesaid) all animals impounded whose owners have not come forward and made the proper proof and paid all the charges herein provided, to the highest bidder, and the proceeds of which sales, after first paying all fees, charges and expenses, shall be paid over to the city treasurer, with a full exhibit of the sale and all transactions connected therewith: *Provided*, That in the cases of horses, cows and mules, not less than ten days' notice of the sale to take place shall be given.

§ 281. That whenever any horse, mule or cow, or animal of the like description, shall be sold under the provisions of this ordinance, the owners or agents thereof shall have thirty days from the date of such sale wherein to redeem the animals thus sold; and if the owners or agents of animals sold as aforesaid do not apply to the keeper of the pound within the time before mentioned and pay or tender to him the original purchase money which such animal sold for, together with twenty-five per cent. on such amount, he, she or they shall be forever barred from recovering the same: *Provided, however*, That it shall be the privilege of the owner of any such animal sold in the manner aforesaid, within thirty days after the sale, to demand and receive from the city treasurer the net amount (less fifteen per cent.) of the proceeds of the sale of any such animal belonging to the party making such application, and which was paid to said city treasurer by the inspector of animals; but in the case of hogs, they will be sold as provided for in this ordinance, and after deducting charges, the balance, if any, will be forfeited to the city.

§ 282. That the following fees are hereby established, and the inspector of animals and pound keeper authorized to collect the same—and in all cases the animals will be held liable for the payment thereof before delivery—to wit:

Net proceeds to be paid into the city treasury.

Owner may redeem in thirty days after sale.

City treasurer to pay net proceeds to owner.

Proceeds of sale of hogs forfeited to city.

Fees for impounding animals.

For impounding each mule, horse or cow, or animal of like description,	\$2 00
For impounding each half grown mule, horse or cow, or animal of like description,	1 00
For impounding each hog over 40 pounds,	1 00
For impounding each hog under 40 pounds and over 10 pounds,	50
For impounding each pig under 10 pounds,	25
For feeding and taking care of each grown horse, mule, cow, or animal of like description, per day,	1 00
For feeding and taking care of each half grown horse, mule, cow, or animal of like description, per day,	50
For feeding and taking care of each grown hog, per day,	50
For feeding and taking care of each shoat under 40 pounds and over 10 pounds,	40
For feeding and taking care of each pig under 10 pounds,	25
For selling each grown horse, mule, cow, or animal of like description,	2 00
For selling each half grown horse, mule, cow, or animal of like description,	1 00
For selling each grown hog,	1 00
For selling each hog under 40 pounds and over 10 pounds,	50
For selling each pig under 10 pounds,	25

Dog not to remain in the city without a collar and payment of tax.

Collar must be lettered C. T. P.

Penalty.

§ 283. No dog shall be permitted to be and remain within the limits of the city of Mobile, as now established by law, unless the owner thereof shall have caused the tax imposed by this ordinance to be paid, and shall place on the neck of said dog the collar hereafter described. The tax for each dog over six months old, per annum, shall be two dollars, and for each slut or bitch over six months old three dollars, which shall be collected by the city tax collector. The owner of each dog on which the city tax has been paid, shall keep a collar of metal or of leather, with a metallic plate thereon, on the neck of said dog, on which shall be inscribed the letters, to be plainly seen, "C. T. P.," together with the figures indicating the year for which the tax is paid; and if any owner of a dog shall permit such collar to be on any dog, without having paid the tax, or

shall fail to put on said collar, (the tax being paid) shall be guilty of a misdemeanor, and shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

§ 284. It shall be the duty of the inspector of animals, and his assistants, to take up and impound in a suitable place, to be designated by the mayor and the police committee, all dogs which are found in the corporate limits without collars, marked as above provided, and it shall be his and their duty to inquire from time to time from the city tax collector as to the persons who pay taxes on dogs, and if any dog is found with such collar on, without the tax being paid, he shall forthwith arrest the owner and cause him to be brought before the mayor, and unless a sufficient cause be shown for such neglect, he shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Dogs to be impounded if without collar.

Penalty.

§ 285. Every householder or head of a family, suffering a dog to remain on his or her premises, without having such collar on, or reporting the same to the inspector, he or she shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Dog not to remain on premises without collar.
Penalty.

The inspector of animals shall be entitled to receive a fee of two dollars for the redemption by the owner or other person of every dog impounded, and twenty-five cents per day for feeding, watering and taking care of each dog; and if the owner does not redeem within five days, any other person paying the fee may redeem; and if no one comes to redeem within seven days, it shall then be the duty of the inspector to have such dogs slain, and he shall be entitled to receive from the city treasurer one dollar for each dog slain, the slaying to be done in the presence of the chief of police or one of his assistants. The city treasurer shall be authorized to pay the one dollar to the inspector for each dog so slain, upon the certificate of the chief of police, approved by the mayor. But no one shall redeem any dog until he first pays the proper tax to the city tax collector. Every dog slain under the provisions of this ordinance shall be buried in a hole of proper depth, in some unfrequented place.

Fees for redemption.

Dogs may be slain if not redeemed.

Fee of inspector

§ 286. Any slut or bitch found in heat running at large in the streets of the city, whether she have a collar on or not, shall be slain by the inspector, his assistants or any police officer.

Any bitch in heat in the street may be slain.

Owner of dangerous dog subject to a fine and dog may be killed.

If any fierce or dangerous dog shall be at large in the streets, or in any enclosure untied, shall endanger any person passing along the public thoroughfare, the owner shall be subject to such fine as the mayor may impose, not exceeding fifty dollars; and it may be a part of the sentence upon said conviction, that said fierce or dangerous dog be killed, and if so, it shall be the duty of the chief of police to cause said dog to be killed.

Inspector to place description of dogs on bulletin board at police office.

The inspector shall place on the bulletin board at the police office, every morning after the taking up and impounding of any dog, a full description thereof, showing the date of his being impounded, which shall remain thereon for seven days, unless in the meantime the dog shall have been redeemed.

Meaning of word dog.

The word "dog," whenever used in this ordinance without qualification, is intended to mean a female as well as a male dog.

Owners may be required to keep their dogs on their premises.

§ 287. Whenever it shall, in the opinion of the mayor, make it necessary for the public safety, or to prevent the prevalence of hydrophobia, it shall be his duty to issue a proclamation notifying owners of dogs to keep the same well secured on their premises; and any dog found at large in any street or public place, at the expiration of two days after such proclamation has been issued, shall be killed immediately, unless muzzled and accompanied by his owner; and the owner thereof shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Penalty.

Inspector may be fined.

§ 288. That if the inspector of animals, pound keeper or any of his assistants, shall, in any manner, violate any of the provisions of the foregoing ordinance, he or they shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

CHAPTER XXX.

PUBLIC SAFETY, OR CONVENIENCE.

An Ordinance defining offences affecting public safety or convenience.

§ 289. *Be it ordained*, That whoever shall, in the streets of the city, ride or drive any beast of burden, beyond a moderate gait, (unless in case of urgent necessity,) or shall ride or drive any such animal by intentionally and wilfully causing any animal, or vehicle thereto attached, to come in collision with, or strike, any other object or person, or shall inhumanly and cruelly beat, injure or otherwise abuse any dumb animal, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Animals not to be driven at an immoderate gait in the streets.

Cruelty to animals forbidden. Penalty.

§ 290. In all cases of persons meeting each other in vehicles in the streets, or on foot on the side walks, each person so meeting shall turn off and go to the right side of the street or side walk, so as to enable such vehicles or persons to pass each other without accident or collision.

Persons and vehicles meeting to keep to the right.

§ 291. Every person violating the provisions of this ordinance, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Penalty.

CHAPTER XXXI.

PUBLIC MORALS.

An Ordinance to prohibit Vagrancy, Quarreling, Riotous, Immoral and Disorderly Conduct.

§ 292. *Be it ordained*, That no person shall be guilty of fighting, quarreling, or any riotous, indecent, blasphemous language, or disorderly conduct in the streets, houses, or anywhere else in the city, nor of abusing, provoking, or disturbing, either by word or action, any person in, or walking in any street, road, or public way.

No fighting or disorderly, riotous or indecent conduct.

Nor scandalous sight. Nor shall show or expose in public any writing, sign, drawing, print, caricature, statue, or any other object which may excite scandal, or has a tendency to disturb the public peace.

Drawing pictures and caricatures forbidden. Nor shall write or draw any obscene or vulgar language, or drawing, or caricature, on any wall, house, fence, or other public place.

Nor injure any fence, &c. Nor shall break down, destroy, injure, or carry away, any fence or any part thereof, or the steps, or blinds, or doors, of houses.

Nor deface any sign or plate. Nor shall deface, break, or carry away any sign, board, or plate, indicating the name, residence, occupation, or business of any person.

Nor injure any tombstone. Nor shall destroy, break down, mutilate, or deface any tomb, grave, or sepulchral monument, erected in any burying-ground, or in any way violate the same, under such penalty as the mayor may impose, not exceeding fifty dollars.

All persons vagrants, idle and disorderly, &c. § 293. That all vagrants, idle, dangerous and suspicious or disorderly persons, or persons of evil life or ill fame—all persons that have no visible means of support, or are likely to become chargeable to the city as paupers, all persons who may be found begging, all persons drunk in or about the streets, all persons loitering in or about bar-rooms or tippling-houses, all persons who have no reasonable course of business in the city,

Or no place of residence, or publicly indecent, or prostitutes, or keepers of riotous houses shall be fined. All who have no fixed place of residence, all who are grossly indecent in language, person, or behavior publicly in the streets, all public prostitutes or such as lead a notorious, lewd or lascivious course of life, all persons occupying houses in the city who shall keep the same in a riotous or disorderly manner, or permit such conduct on his premises, shall be subject to such penalty as the mayor may impose, not exceeding fifty dollars: *Provided*, That he may release himself from such penalty by giving bond in such sum as the mayor may prescribe for six calendar months, conditioned to be of good behavior for such time, and to indemnify the city against any charge for his support, or he may, at the discretion of the mayor, be permitted to leave the city; and for dangerous and suspicious characters, may be sent therefrom without their consent.

Persons fined may give bond.

§ 294. Whoever shall bathe, wash or swim in the Mobile river, or in Mobile bay, or in any other water course, pond, pool, or in the intrenchment ditches, between one hour before sunrise and one hour after sunset, being naked or insufficiently clothed to prevent improper exposure of his person, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Bathing in bay of Mobile and river in city limits forbidden

Penalty.

§ 295. Whoever shall appear in any public place in a state of nudity, or in a dress not belonging to his or her sex, or in an indecent or lewd dress, or shall make an indecent exposure of his or her person, or be guilty of an indecent or lewd act of behavior, or shall exhibit, sell, or offer to sell, any indecent or lewd book, picture, or other thing, or shall exhibit or perform any indecent, immoral or lewd play, or other representation, shall be fined such sum as the mayor may impose, not exceeding fifty dollars.

No person shall appear in dress not belonging to his or her sex.

Selling lewd books and pictures prohibited

Penalty.

§ 296. Whoever shall, in this city, disturb or disquiet any congregation met for religious worship, by making a noise, or by rude and indecent behavior, or profane discourse within the place of worship, or so near the same as to disturb the order or solemnity of the meeting, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Disturbing religious worship forbidden.

Penalty.

That the mayor be, and he is authorized and required, to suppress all night assemblages of noisy and disorderly persons, and all such as may disturb the rest and quiet of the neighborhood; and all persons engaged in such collections or assemblages shall be liable to such fine and penalty as the mayor may impose, not to exceed fifty dollars, or not exceeding six months in the work house.

§ 297. Whoever shall be guilty of sticking or putting up in any street, avenue or alley, or on any wall, fence or other public place in this city, any indecent or gross printed or written advertisement, bill, or notice of his professional skill or remedies for the curing of venereal, or what is usually called secret diseases, or causing the same to be stuck or put up, or shall cause any such indecent or gross written advertisement, either as a bill or circular, whether enclosed in an envelope or in any other form, to be left in any yard or premises attached to any dwelling house, or shall put under the door, or to be given to any servant in or about such dwelling house, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

No posters or notices to be put on buildings, fences, &c.

Penalty.

CHAPTER XXXII.

SABBATH.

ARTICLE I.

An Ordinance to regulate the observance of the Christian Sabbath Day.

No person over fifteen years shall break the Sabbath.

§ 298. *Be it ordained*, That no tradesman, laborer or other person whatsoever, over the age of fifteen years, shall do or exercise any worldly labor, business, or work of their ordinary calling, on the Christian Sabbath, (works of necessity, charity, and the necessary occasions of the family excepted) under such penalty as the mayor may impose, not exceeding fifty dollars.

Penalty.

No store, &c., to be open.

§ 299. That no person shall publicly expose for sale, nor sell in any store, shop, warehouse, or otherwise, any goods, wares or merchandise, upon the Christian Sabbath; and all stores, shops and warehouses in which goods of any description are kept for sale, shall be closed during the entire day, from twelve o'clock Saturday night to twelve o'clock Sunday night, under such penalty as the mayor may impose, not exceeding fifty dollars.

Penalty.

Exception, hotels, &c.

This section does not apply to keepers of hotels, boarding houses, or public eating houses, where no spirituous liquors are kept for sale, nor to apothecaries in their business as such.

No drinking house to be open where spirituous or vinous liquors are kept

§ 300. That every keeper of a drinking house or shop, where spirituous or vinous liquors are kept for sale by the glass or drink, who shall allow the same to be kept open, or shall sell, or permit to be sold, any vinous or spirituous liquors on the Christian Sabbath day, shall be fined such sum as the mayor may impose, not exceeding fifty dollars.

Penalty.

No sports or games exhibited.

§ 301. That no sports, public exercise, or exhibitions, or games of any kind shall be allowed on that day, under such penalty as the mayor may impose, not exceeding fifty dollars.

Billards, tennis and public amusements forbidden.

§ 302. That any owner or keeper of any billiard table, nine or ten pin alley, or any other place of public amusement, who shall keep or permit the same to be kept open

for use or amusement on that day, shall be fined in such Penalty.
sum as the mayor may impose, not exceeding fifty dollars.

§ 303. That no person shall buy any goods or things Shall only purchase necessities.
whatever on that day, except in cases of sickness and for Penalty.
the necessities of life, under such penalty as the mayor
may impose, not exceeding fifty dollars.

§ 304. That no wagoner, carter, drayman, driver, or ser- No driver shall load or unload cart, dray, &c., or drive sheep, horses, cattle, &c.
vant, shall, with his cart, dray or wagon, load or unload
any goods, wares, merchandise or produce, or drive horses,
cattle, sheep or swine in any part of the city on that day,
(except in case of necessity) under such penalty as the
mayor may impose, not exceeding fifty dollars.

§ 305. That if any person shall disturb any congregation Place of worship shall not be disturbed.
of people lawfully assembled at any church, or public place
of worship, to perform divine service,

Or shall at any time cause any riot or disturbance in any Penalty.
of the churches or public places of worship, of any sect of
religion within the city, he shall be fined such sum as the
mayor may impose, not exceeding fifty dollars.

§ 306. That barbers may keep open their shops on that Barbers may keep open until 12 M.
day until 12 o'clock at noon, and not after, under such pen-
alty as the mayor may impose, not exceeding fifty dollars.

§ 307. That the provisions of this ordinance shall not Not to apply to vessels arriving or departing.
apply to steamboats or vessels, or railroad trains arriving
or departing on that day.

Nor to ice houses, livery stables, fruit or melon stores or Nor to ice houses, livery stables, milk carts, gas-works, news-boys, bathing establishments.
stands, nor to milk carts furnishing the usual supply of
milk to families, nor to gas works, nor to newsboys deliver-
ing papers, nor to bathing establishments.

CHAPTER XXXIII.

SHOWS, THEATRES, EXHIBITIONS, &C.

An Ordinance to regulate Shows, Theatres, Exhibitions, &c.

§ 308. *Be it ordained*, That it is not lawful for any person Unlawful to exhibit theatrical or equestrian performance, &c.
to exhibit any theatrical or any equestrian performance,
panorama, diorama, or paintings, or any rare or uncommon
animal, or person, or any rope dancing, or feat of strength

or agility, or any performance or show where the public are admitted for money or reward, nor to have or hold any fancy, or masquerade, or public ball, where the public are admitted for money or reward.

Nor for street musicians to perform upon any musical instrument in any street of the city, for money, unless they shall have a license fixed by the mayor and the presiding officers of the two boards, under such penalty as the mayor may impose, not exceeding fifty dollars.

§ 309. That the mayor and the presiding officers of the two boards shall assess the tax to be paid for such license, and the length of time.

§ 310. That at least one of the police officers shall attend all such performances and exhibitions, and preserve good order.

And the person having such license shall admit him free of charge, under such penalty as the mayor may impose, not exceeding fifty dollars.

§ 311. That the mayor, at the request of the managers of any theatre, may appoint four police officers to attend the theatre every night of performance, who shall be paid by the managers for their services, and whose duty it is:

To preserve strict order and decorum within the theatre.

To arrest and eject from the theatre any person who may be creating riots or disturbing, either by loud and boisterous talking, whistling, swearing, or hallooing, or any ungentlemanly or indecent acts or conduct.

And they are vested with full power and authority to call upon any person to assist or aid them in the performance of their duty.

§ 312. That any person guilty of any of the acts prohibited by the last section shall be fined such sum as the mayor may impose, not exceeding fifty dollars, and when arrested by the police may be required to give good security for his appearance before the mayor, on that or the next day, and in default thereof may be committed to the city prison.

CHAPTER XXXIV.

STREET RAILROADS.

An Ordinance to regulate the building of Passenger Railways in the city of Mobile, and their uses.

§ 313. *Be it ordained by the mayor, aldermen and common council of the city of Mobile*, That whenever, hereafter, any company or corporation shall desire to construct a railway for the conveyance of goods or passengers along any of the streets of this city, they shall be required to petition the corporate authorities for the privilege, stating the street along which they desire to build such road, and the points between which they desire to build the same. And if they do not commence to build within six months from the time of obtaining permission, the corporate authorities may grant the privilege to others; and if, after commencing the company shall for two years leave any part of the road uncompleted, or decline to complete any part of such road, then, as to the part of the road so uncompleted, the corporate authorities may grant to others the privilege of building and using the part of the road so uncompleted.

Passenger railways, persons desiring to construct shall petition corporate authorities.

Road must be built in two years.

§ 314. *Be it further ordained*, That whenever permission shall have been obtained, the company or corporation shall proceed to lay the track along the centre of such street, unless otherwise authorized, complying with the surveys, regulations and gradients that are now, or may hereafter be adopted by the city, and shall use such rail as the company and corporate authorities may determine on, and shall so lay the same as to furnish no greater obstruction to the free use and enjoyment of the street than the specimen rail now in the office of the city engineer, and at a gauge of five feet two and a half inches, which shall be certified to by the city engineer and shall be filed in the city clerk's office, before any cars shall be allowed to run on said road; and shall build and keep in repair all bridges, turn-outs, water-ways, &c., crossing the track, paving or shelling the track between the rails, and for three feet on the outside of each rail, as may be determined by the city

All tracks must be laid under direction and surveys of corporate authorities.

They shall build and keep in repair all bridges, turn-outs, &c.

Penalty. at any time; and should any company or corporation violate any of the provisions of this section, the company so violating the same shall be liable to such penalty as the mayor may impose, not exceeding fifty dollars for each and every day they shall be proven to have violated the same after due notice given by the city engineer.

Company may make all appropriate turn-outs &c. § 315. *Be it further ordained*, That such company or corporation shall and may make such turn-outs and sidings for enabling the cars, when traveling in opposite directions, to pass, as the business of the road may demand, and shall be empowered to use and run as many cars as they may think proper.

Must employ sober, careful drivers, and not to run exceeding six miles an hour. § 316. *Be it further ordained*, That such company shall employ careful, sober and prudent drivers, who shall not run the cars at a speed greater than six miles an hour, and shall use all exertions to avoid collision, giving due notice

Penalty. to the drivers of other vehicles to prevent the same, and any infraction of this section shall be punished by a fine in such sum as the mayor may impose, not exceeding fifty dollars; but this fine shall not exempt the company from the penalties and responsibilities of such violations or acts committed by their drivers.

Driver must give way to other vehicles. § 317. *Be it further ordained*, That it shall be the duty of the driver of any car to give place or stop to allow any cart, carriage, dray, or other vehicle to cross the road, *provided* the same be traveling along any of the streets crossing the road.

Horse power only shall be used. § 318. *Be it further ordained*, That said company or companies shall use no other motive power, unless specially permitted, for the conveyance of passengers and freight, than horses and mules, and that whenever it shall be necessary to attach two horses, they shall be driven abreast.

Shall run cars on week days and on Sundays at certain hours § 319. *Be it further ordained*, That it shall be the duty of such company to run a car on week days at least as often as every hour, from 7 o'clock A. M., to 9 o'clock P. M., and oftener if required by the corporate authorities; and that they shall not be required to run at all on Sundays, except between the hours of 9 o'clock A. M., and 2 o'clock P. M., nor between these hours shall they be required to run oftener than once an hour. But this section shall not be construed to prevent trips at shorter intervals during the whole night, should the company so desire;

and said company shall not demand nor receive more than Rate of fare.

cents for fare between any two points on the road ;
Provided, however, that one fare may be collected from each
 passenger going and another fee from each passenger re-
 turning ; and for every violation of this section, such com- Penalty.
 pany shall be subject to such fine as the mayor may im-
 pose, not exceeding fifty dollars.

§ 320. *Be it further ordained*, That every car on each Shall have num-
ber painted on
each car, and
shall carry a
lamp at night.
 road shall have the number of the car painted on each side,
 in such place and manner as shall be plainly seen, and
 shall carry at night a lamp in front and rear, with the
 number thereon, and shall be fully and properly lighted
 inside, under such penalty as the mayor may impose, not Penalty.
 exceeding fifty dollars.

§ 321. *Be it further ordained*, That any company building Company shall
obtain the lines
and grades from
city engineer.
 a road, shall obtain the necessary lines and grades from
 the city engineer, and shall be liable to a fine in such sum
 as the mayor may impose, not exceeding fifty dollars, for
 any violation of this section.

§ 322. *Be it further ordained*, That if any company shall If cars are not
run for a period
of three months
road to be rent-
ed out to high-
est bidder.
 refuse or neglect to run their cars, as provided by this
 ordinance, for a period of three months, then the corporate
 authorities of this city shall rent the same, at public out-
 cry, for the account of the company, for a period of twelve
 months, and if the same should not be rented, but should
 be idle for a period of twelve months, then the said authori-
 ties may have the same taken up, the materials and furni-
 ture sold to the highest bidder, and after deducting the
 expense of taking up the road, selling the same, and re-
 pairing the street, the balance, if any, shall be paid to the
 legal representatives of said company.

§ 323. *Be it further ordained*, That if any person shall Smoking in cars
prohibited.
 smoke in any car of any city railroad, or otherwise in any
 way improperly conduct himself or herself, he or she shall Penalty.
 be liable to such fine as the mayor may impose, not exceed-
 ing fifty dollars, for each and every offence.

§ 324. *Be it further ordained*, That it shall not be lawful Cars not to stop
so as to obstruct
street cross-
ings.
 for any driver or conductor of any passenger car on any of
 the city railroads to stop their cars so as to obstruct the
 streets intersecting the line of the railroad ; nor shall they
 obstruct the foot crossings of the street, but it shall always
 be their duty to drive beyond the intersecting street and

- Penalty. the crossing before stopping, under such penalty for each violation of this section as the mayor may impose, not exceeding fifty dollars.
- Rights granted herein not to interfere with operations of the fire department. § 325. *Be it further ordained*, That no privilege or authority herein granted shall be so construed as to interfere with the operations of the fire department of the city, but in all instances, in case of fire, the use of the streets where railroad tracks are laid, shall be subservient to the necessities of the fire department.
- Conductor and driver to keep vigilant watch to prevent accidents. Car must be stopped at appearance of danger. § 326. The conductor and driver of each car shall keep a vigilant watch for all vehicles and persons on foot, especially children, either on the track or moving towards it, and on the first appearance of danger to such vehicles or persons, the car shall be stopped in the shortest space and time possible. The conductor shall not, under any circumstances, allow ladies or children to leave or enter the cars while the same are in motion; and for the violation of this section, such fine may be imposed as the mayor, in his discretion, may think proper, not exceeding fifty dollars.
- Penalty.
- Right reserved to change this ordinance. § 327. *Be it further ordained*, That the corporate authorities reserve the right to alter or amend the foregoing ordinance, whenever circumstances may require it.

CHAPTER XXXV.

STREETS.

An Ordinance regulating Streets.

ARTICLE I. TO ESTABLISH, OPEN AND REPAIR STREETS.

- “ II. REGULATION OF STREETS.
 “ III. SHELLING AND PAVING STREETS.
 “ IV. REGULATION OF SIDEWALKS.
 “ V. CITY ENGINEER.
 “ VI. STREET COMMISSIONER.

ARTICLE I.

An Ordinance to establish, open and repair Streets.

§ 328. *Be it ordained*, That upon the written application of the owners of at least one-fourth in quantity of the property through or over which any new street, or any alteration, improvement or repair is desired to be made in existing streets, or where any water shall settle or stand, one-fourth of the owners of property adjoining such place shall petition the city to drain such place, the mayor shall give thirty days' notice of such application, in the official journal of the city, calling on all persons interested therein to signify their objections thereto.

Upon written application of one-fourth in quantity of property owners, streets may be opened, altered, or repaired, or drains may be made.

Advertise-
ment.

The city engineer shall then investigate and ascertain as near as practicable the probable cost and expense of the work petitioned for, and inform the mayor thereof.

Surveyor's
duties.

At the expiration of the time given in the notice, the mayor shall report the probable expense to the two boards, together with what he has done, and submit any objections that may have been filed.

Mayor's duties.

§ 329. That if the mayor, aldermen and common council shall ordain that the work be done, the mayor shall then cause one of the police officers to summon a jury of twelve citizens to assemble at a given time and place, of which notice shall be given in the official newspaper. At the appointed day the mayor shall impanel a jury, to assess

If directed,
mayor's duty.
Jury.

Assess.

the amount that the different pieces or parcels of the adjacent property shall contribute and pay to make up the amount of the probable cost and expense, in form as follows :

Form of.

We, the jury impaneled to assess the amounts to be paid for (opening of or repairing Dauphin) street, do find that the costs of the (repairs) will be (five hundred) dollars, and we assess that A. B. shall pay - - - - \$100 00
 B. C., executor of C. B., - - - - 100 00
 The vacant lot on the north side of Dauphin,
 between Cedar and Warren streets, commencing 100 feet from Warren, then running east 55 feet, with a depth of 110 feet, the owners unknown, - - - - 100 00
 The president and directors of the Bank of Mobile, 200 00
 MOBILE, 18 .

A. B., and eleven others,
 (the twelve signing.)

Which shall be recorded by the city clerk, and a certified copy thereof by the clerk shall be a sufficient warrant for the tax collector to collect the said assessments, in the same manner as the taxes on real estate are collected.

Advertisements for proposals.

§ 330. That after the assessment shall be made the mayor shall advertise in the official newspaper for 10 days for sealed proposals to do and complete the proposed work ; on such proposals coming in, the mayor shall determine which is the best.

Contractor give bond.

The contractor whose proposal shall be accepted, shall give bond and security in double the amount of the contract for its faithful performance, and he shall not receive any money from the city, but shall be wholly paid as the work progresses, from the money collected from the assessment in the last section.

How paid.

Where the street terminates in the water.

§ 331. That where the alteration, improvement, or opening of the street terminates on the water or extends by the bank thereof, that a sufficient bulkhead or abutment shall be made of square and sound timber, not less than 12 inches square, to be secured with braces and iron fastenings, and so made as to carry off the water from the street, and shall be kept in repair by the owners of the property benefited by the improvements, alterations, or openings.

That all streets and extensions of streets now opened and laid off in the city, however or whoever made by, are hereby declared to be public streets, subject to be regulated and disposed of only by the city authorities.

All streets now open are declared public.

§ 332. Whenever the corporate authorities deem it expedient to open any new street, or make any alteration, improvement or repair in any existing street; or grade, pave or shell any street at its own expense, as provided by the charter, it shall be the duty of the city engineer to examine into and report to the boards the probable expense of the proposed opening, alteration, repair, paving, or shelling any street, and if after such report has been made, said boards then deem it expedient to have the proposed work done, they shall so direct by resolution, approved by the mayor, and pass the necessary appropriation to pay for the same.

Corporate authorities may open new street.

Duty of city engineer.

Said work shall be done under the direction and to the satisfaction of the mayor and street committee.

Work to be done to the satisfaction of mayor and street committee.

ARTICLE II. REGULATION OF STREETS.

§ 333. *Be it ordained*, That no person shall lay pipes of iron, lead, or other metal, or of wood, for conveying water, or for any purpose, in any of the streets of the city, nearer to the centre of the street than four feet.

Pipes, how laid in the streets.

That no person shall destroy or remove the bolts or other marks, indicating any lines of the streets.

Bolts, &c., not to be moved.

§ 334. That no person shall erect, rebuild, or enlarge any house, building, or fence fronting on any street in the city, unless he shall have called on the city engineer to designate the line of the street.

No building or fence to be erected unless engineer designate the line.

And any house, building or fence, which may be placed so that it encroaches on the street, is a nuisance, and shall be removed back to the proper line of the street.

Declared a nuisance to be removed.

§ 335. That it is not lawful for any person employed in building or repairing any house, store, or other building, to lay or place bricks, boards, timber, or any material for building, in the streets so as to occupy more than one-third of any street.

Materials how placed.

§ 336. That no person shall obstruct nor incumber any street in any way, nor throw nor deposit in any street or gutter, ditch or drain, any cotton, lumber, firewood, cart,

No cotton &c., nor trash, &c., to be deposited in the street.

dray, wagon, or any article, nor any hay, straw, dung, kitchen stuff, broken glass, parings, or bits of leather, paper, or cloth, nor any shavings or chips, nor any kind of filth or trash whatever.

No earth to be dug.

Nor dig, nor haul, nor carry away, any earth or materials of any kind from any street, nor from any ditch opened or excavated.

No earth to be taken from any street.
Penalty.

And if any person digs or hauls away any earth or materials from any street, as herein prohibited, he shall, in addition to the fine for such offence as may be imposed by the mayor, which shall not exceed fifty dollars, be required to return the earth, or materials, so removed, to the place from whence taken, and if he fails or refuses to do so, he may be fined in such sum as the mayor, or acting mayor may impose, not exceeding fifty dollars, for each day's failure or refusal.

If fails.

Nor to injure any tree.

No person shall cut, fell, break, strip off the bark, or damage in any manner, any tree, or tie any animal there-to, which is planted in any walk, square, street, road, or public way.

If surface of the earth be disturbed must be left in same condition.

§ 337. It shall be the duty of any person, company or corporation, having the privilege of disturbing the surface of any of the streets, for any purpose, to leave the same in like condition as before disturbance, by filling and packing the earth so as to produce a level surface; and for any violation of this provision of the ordinance, they shall be subject to such fine as the mayor may impose, not exceeding twenty dollars, for each and every day's violation thereof.

Penalty.

Nor injure any board, plate, &c.

Nor pull down, remove, nor deface, injure, or destroy any board or plate indicating the name of any street.

Nor permit any erection to remain which mayor directs to be removed.

Nor permit any wall, house, or other building or erection, to remain standing, if the mayor notifies him that he is of the opinion that they are liable to fall and endanger the lives of persons passing.

Nor haul so as to drag the street.

Nor haul, carry or transport through any street of the city any timber, lumber, or any other article, in such manner that any part thereof shall drag upon or touch the street.

How to plant trees.

Nor plant any trees in the street, unless they are placed on the outer edge of the sidewalk, and not more than eight inches within the line of the curb-stone.

Nor shall erect any building, sheds, or inclosure of any kind, east of Front street, on the west side of the river.

Nor erect any building, &c., east of Front street.
Name of street on the corner.

§ 338. That there shall be placed the name or sign of each street, in legibly painted letters, on one of the corners at the intersection of each street, north of Charleston, east of Broad, and south of Hunt streets, including these streets, upon a conspicuous place.

That Front street shall be of the width of seventy feet, measuring from the building on the west side of the street, sixty of which shall be used as a roadway for vehicles.

Width of Front street.

§ 339. *Be it ordained*, That on and after the passage of this ordinance, it shall be the duty of the mayor to employ some competent person who, under the direction of the city engineer, shall number each house and vacant lot in the city of Mobile, so far as the same may be practicable.

That it shall be the duty of the person so employed to take Dauphin street as the base starting-point for numbering all houses and vacant lots on streets running north and south, and the Mobile river as the base of streets running east and west.

Person employed to number houses and lots.

§ 340. That the person so employed shall be required, within a reasonable time after his or their employment, to affix the proper number on all houses and vacant lots fronting on any street in the city of Mobile, for which the person so employed shall be entitled to demand and collect from the owner or owners of any house or vacant lot the sum of fifty cents as his compensation for the proper number so affixed.

Houses and lots to be numbered.

If any person shall refuse to pay the fee required, or prevent the affixing of the proper number, he shall on complaint be fined in such sum as the mayor may impose, not exceeding twenty dollars.

Fee.

Penalty.

§ 341. That it shall be the duty of the person or persons employed to do the numbering, to furnish the city engineer with the numbers and names of the owners of houses or lots as fast as the same shall be ascertained by him.

Furnish engineer with names of owners.

§ 342. That the person or persons employed as aforesaid, shall be under the direct supervision of the city engineer, and shall be by him when, in his judgment, the person employed shall refuse or fail to execute the provisions of his contract in good faith, reported to the mayor.

Under direction of city engineer

Name of street
to be placed on
street lamps.

§ 343. All public street lamps shall have the name of the street painted in a conspicuous manner on the side which faces the street or streets on which they are placed, which shall be done at the expense of the city, under the directions of the mayor.

ARTICLE III. SHELLING AND PAVING OF STREETS.

An Ordinance to provide for the Shelling and Paving of Streets.

One-third of
owners may
petition.

§ 344. *Be it ordained*, That whenever the owners of at least one-third in quantity of real estate fronting on any street, shall in writing petition for the shelling or paving of such street within the city, it shall be lawful for the mayor, aldermen and common council to order such street to be shelled or paved.

Boards may
direct.

Work done un-
der supervision
of street com-
missioner.

§ 345. That the work shall be done in such manner as the mayor may direct, under the especial supervision of the street commissioner, and it shall be the duty of the city engineer, before the commencement of the work, to furnish the proper grade of the street to be shelled or paved.

He shall report
cost.

§ 346. That when the work is completed, the city engineer shall ascertain and report to the mayor the expense of it.

Mayor and city
engineer shall
assess.

That then the mayor and the city engineer shall assess the proper amount to be paid by each owner of property, (or piece of property when the owner is unknown) fronting on the street where the work has been done.

He shall certify
to tax collector.

They shall certify the assessment to the city tax collector and the certificate shall be full authority for said tax collector to collect the assessment.

Form of.

It shall be in the following form :

STATE OF ALABAMA, }
CITY OF MOBILE. } *Mayor's Office.*

To the Tax Collector of the City of Mobile :

The city engineer having reported to the mayor of the city of Mobile that the expenses of (shelling or paving on street) amounts to five hundred dollars,

We assess that A. B. pay, - - - - - \$100 00

“ “ “ B. C., administrator of the estate

of C. D., - - - - - 50 00

We assess that vacant lot on north-west corner
 and , with front of 55 feet and
 depth of 110 feet, - - - - - 50 00
 We assess that E. F., - - - - - 300 00

And the tax collector is commanded to levy of the goods
 and chattels, lands and tenements of the said persons, and
 to attach and sell the said lots to make the said several sums
 of money and costs, and that he have the money in the
 office of the city treasurer of Mobile, on or before the
 day of 186

J. M. WITHERS, *Mayor*.

Given at Mobile this }
 day of }

P. J. PILLANS,

City Engineer.

§ 347. That it shall be the duty of the tax collector to collect without delay the several amounts assessed in the same manner and with the same authority as he has in collecting the ordinary tax on real estate, and be entitled to the same compensation.

Tax collector's duty.

§ 348. *Be it ordained*, That no person, upon any pretence, shall cut any ditch across or along any of the public streets in the city, unless leave be specially granted by the corporate authorities.

No ditch to be cut in any street without permission.

That when such leave may be granted, such ditch shall be well barricaded, and guarded during the time it may be necessary to remain open.

When granted to be guarded.

§ 349. It is not lawful for any person to carry or cause to be carried, in the streets, any burning coals, or brands, unless the same be inclosed in a covered vessel.

No burning coals or brands to be openly carried.

§ 350. That the street commissioner, under the order and direction of the mayor and street committee, shall from time to time, at their discretion, be required to place on one of the corners at the intersection of each street, the name of each street on some conspicuous point on the corner in legibly painted letters; and that any person who shall pull down, remove, deface, or destroy said name or sign, shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Names to be placed on corners of the streets.

Penalty.

And it shall be the duty of the mayor and street committee, as early as practicable after the passage of this ordinance, to place the names of the following streets on

Mayor to have names placed on certain streets as early as practicable.

the corner of each intersection, as above provided for, to wit: Charleston, Augusta, Savannah, Selma, Elmira, Texas, Montgomery, Davis Avenue, Washington Avenue, Beauregard and Manassas streets, the names of which were fixed by ordinance, approved August 16th, 1861.

Not to obstruct
in any way.

§ 351. No person shall obstruct, embarrass or incumber any street or sidewalk with cotton, lumber, fire-wood, carts, drays, wagons, goods, wares or merchandise, or any article. Nor drive any horse, cart, dray, wheelbarrow or carriage over the sidewalk, (except to cross it to enter the lot.)

No auction.

Nor sell or offer for sale at public auction or outcry in the streets or on the sidewalk any horses, cattle or live stock.

Nor expose
goods.

Nor expose for public or private sale in the streets or on the sidewalks, any goods, wares or merchandise, without the consent of the mayor.

Nor erect gates.

Nor to erect gates to open on the street, nor permit them to remain when erected.

ARTICLE IV. REGULATION OF SIDEWALKS.

To be made and
kept in repair
by owner or
claimant.

§ 352. *Be it ordained*, That the owner or claimant of every lot of ground shall make or cause to be made and keep in repair a sidewalk or pavement to the whole extent and front of his property.

Width.

Upon every street and exclusive of the gutter,
Over thirty and under forty feet wide, - - - six feet
Over forty and under sixty feet wide, - - - eight feet
Over sixty and under one hundred feet wide, - ten feet
One hundred feet wide, - - - - - fifteen feet

Grade.

According to the level slope and graduation to be furnished by the city engineer.

Material in fire
limits.

That the materials used within the fire limits shall be of whole hard bricks or stone flagging of good quality, and for making bank-heads shall be of stone four inches thick throughout and fifteen inches deep, and not less than three feet long with hewn sides so as to form close and fair joints, and present fair surfaces and a proper level at the top.

And the portion before gates for the passage of carts or other vehicles shall be paved with stones or brick, laid edgewise.

§ 353. Outside of the fire limits and upon every square on which there shall exist more than one building, the sidewalk may be made of sand or any material capable of being smoothed and made hard. It shall be made sloping towards the street in such way that the water may not remain on it, that the bank-heads shall be of stone or pine stuff not less than three inches thick and fifteen inches wide, and there shall in all cases within and without the fire limits be a proper covered gutter across the sidewalk, to lead the water from the yard or lot into the streets.

Not in fire limits.

§ 354. That no veranda or balcony attached to any building shall be erected at a less height than twelve feet, nor any gallery, awning, sign or other projection attached to any building shall be erected at a less height than nine and a half feet above the sidewalk,

No erection over the sidewalk less than 12 feet high in fire limits. No signs less than 9½ feet.

Nor extend over the street more than the width of the sidewalk in front of the building.

Nor to extend wider than walk.

The posts or columns to support the verandas and balconies shall be composed of iron, and placed on a line within four inches of the outer line of the curb of the sidewalk.

Posts and columns.

Nor shall any other projections be so constructed as to be supported by any posts or pillars erected in the street or on the sidewalk. Nor shall any other posts or pillars be erected in the streets or on the sidewalks, (except temporarily while building) but those used to support the telegraph wires, and for gas-lights, and iron posts placed on the outer edge of the sidewalks to tie horses to, which shall not be less than four feet nor more than five feet high, under penalty of fifty dollars.

Other projections.

No posts or pillars, except—

How placed.

Penalty.

Nor to permit any walls, houses or other buildings that are in a broken or ruinous condition, liable to fall or endanger the lives of persons passing by, to remain or otherwise obstruct any sidewalk.

Nor permit dangerous walls, &c., to remain.

§ 355. That no engine, hose cart, or hook and ladder carriage, shall be run on the paved sidewalk of the city, except in the immediate vicinity of the fire.

Engine, hose, cart, or hook and ladder carriage not to run on sidewalk.

And all posts or pillars now standing, not composed of iron, in compliance with this section, are declared a nuisance, and shall be abated.

Posts or pillars otherwise placed a nuisance.

§ 356. That all persons tenants of houses, yards, lots or grounds fronting on any street, shall sweep or cause to be

To be swept every day before ten.

swept, and to clean or cause to be cleaned, that part of the sidewalk that lies before their premises, every day, before ten o'clock in the morning.

Trees to be trimmed.

§ 357. That where any tree is growing or standing on any sidewalk, and any branches or boughs extend over the sidewalk or street, that the owner, or in his absence, the tenant, at the expense of the owner of the lot before which such tree stands, shall cause it to be trimmed to the height of twelve feet above the sidewalk.

Duty of police officer when owner of nuisance is unknown.

§ 358. That when any article is found obstructing or incumbering the sidewalks or streets of the city, and the owner is unknown, any police officer, under the direction of the mayor, shall cause such obstruction to be removed; if of value, to be taken to some place of safety, to be held five days; at the expiration of that time it shall be sold, after giving three days' notice in the official newspaper, of the time and place.

Proceeds, how disposed of.

The proceeds shall be paid into the city treasury, after deducting the expenses and costs, and if the proceeds are not called for by the owner within sixty days, it is forfeited to the city.

Injury to walk to be repaired.

§ 359. That every person who shall injure any sidewalk or gutter, shall cause the same to be repaired within twenty-four hours thereafter.

If minor, apprentice, or animal.

If the injury or damage be committed by a minor or apprentice, or by any animal, the father, guardian, minor, or owner shall be bound to cause the repairs to be made at his expense, and shall pay the fine, and if the owner of the animal is unknown, such animal may be taken by any police officer, as is provided for the disposition of articles found obstructing or incumbering the sidewalks or streets, and shall be disposed of, as is therein provided.

When owner is unknown.

Owners of buildings to keep gutters in repair.

It shall be the duty of owners of buildings within the fire limits to keep all the gutters overhanging sidewalks, and the pipes and conduits leading therefrom to the sidewalk in good repair, so as to prevent water from falling on the sidewalk, and the water passing through such pipes or conduits, shall be conveyed to the street through drains over or under the sidewalks.

Water to be carried off through covered drains.

Nor shall any water or drain from yards or lots be permitted to run over the surface of any sidewalk.

§ 360. The owners of property at the intersection of streets within the fire limits, shall lay stone crossings of street gutters from the sidewalks to the streets of proper length and height to permit the free and unobstructed passage of the water, and such stone crossings shall be of the width of the sidewalk to which they are connected.

Stone crossings of street gutters shall be laid.

The sidewalks on all the streets shall be of even and uniform surface, and of a width proportioned to the width of the street as defined in this ordinance, and shall slope uniformly from the inner to the outer edge, so as to carry off the water, and the fall or slope and width of each sidewalk shall be as provided in this ordinance; and it shall be the duty of all owners of lots, to have the sidewalks in front of their property to conform to this ordinance as soon as practicable, and to repair all broken and uneven surfaces so as to prevent any water from standing on the sidewalk. And if any person shall fail or refuse to comply with any of the provisions of this ordinance within a reasonable time after such notice, as may be prescribed by the mayor, he shall be fined for each day's failure or refusal in such sum as the mayor may impose, not exceeding fifty dollars.

Sidewalks to be of uniform surface.

Water not to stand on sidewalk.

Penalty.

§ 361. All entrances to alleys, yards, lots or door-ways across street gutters shall be by bridges or covered ways which shall be made of iron, stone or brick within the fire limits, and outside of the fire limits may be made of wood, and in all cases must be so constructed as not to interfere with the drainage of the streets, or the grade of the street or sidewalk.

Entrance to alleys and lots shall be bridged across sidewalks.

§ 362. For any violation of any of the provisions of the ordinances regulating streets and sidewalks, or the failure or refusal to perform any duty enjoined therein or doing any act therein prohibited, the party shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

Streets.

ARTICLE V. CITY ENGINEER.

§ 363. *Be it ordained*, That the present term of the city engineer expires on the first day of January 1869, and that at the annual municipal election for that year and for every three years thereafter, there shall be elected by

City engineer, how elected.

the convention some competent person who shall be called the city engineer. He shall give bond in such sum and receive such salary as the corporate authorities may from time to time determine.

Office and office hours.

§ 364. He shall have his office in the municipal buildings, which he shall keep open every day, except Sunday, from 9 o'clock A. M. until 3 o'clock P. M. unless engaged at his official duties.

His duties. Records and maps.

He shall safely keep there all records and maps pertaining to his office, subject to the inspection of the mayor or any of the aldermen or common council; such records and maps shall remain and be the property of the city.

Shall report.

He shall report to the mayor all houses, walls or buildings in a broken or ruinous or other condition, which are liable to fall and endanger the lives of persons passing in the streets.

Reports.

And whenever required he shall report to the mayor, aldermen or common council, information on all subjects pertaining to his office; when any contract for grading, shelling, paving or guttering any street, lane, alley or other property pertaining thereto, shall have been made, he shall be furnished with a copy, which he shall record in a book kept for that purpose in his office.

Shall make maps and field notes, and keep in a book.

§ 365. It is his duty to make full and accurate maps of all parts of the city, making full and complete field notes of them, and entered in a book kept in the office, which shall be open to every person, under his supervision.

Ascertain size of lots and squares.

To ascertain as accurately as possible the different squares and lots, giving to all persons interested due notice, so that they may designate their property.

No record but of actual surveys.

He shall not record or place in the books of the city any map or notes, unless they shall have been prepared from actual survey.

Shall mark out all streets, &c.

§ 366. That it is his duty to mark out all streets, lanes, alleys, sidewalks or foot-ways whenever the same shall have been ordered or accepted by or have become the property of the city.

Survey all lands.

. To survey, when required, all lands belonging to or in the occupancy of the city.

Ascertain the grades of streets and continue them.

To ascertain as early as practicable the grades of the different streets in the city, and so make them that the graduation may be carried out under his supervision, and

of his successors in office, beginning in the central parts of the city, and extending gradually to the city limits, so that the whole city may be properly drained.

To furnish the scale of graduation of all new streets, and all streets to be paved, shelled or repaired, and to report to the mayor any person improperly marking out or graduating any street, alley, lane or sidewalk. Furnish scale.

To make the plans, specifications, estimates and examinations provided by these ordinances, and whenever called on to do so by the mayor, aldermen or common council, and keep a record thereof in his office. To see that all contracts for making or repairing any street, lane, alley or sidewalks are faithfully executed. Make plans.
See that contracts are complied with.

To determine and fix all corners of streets and fronts of lots, and give a certificate thereof when called on by the owner, who shall pay two cents per running foot to the surveyor therefor. To fix course of streets and fronts of lots.

To furnish the running lines and levels for the erection or repair of all buildings, houses, walls or fences fronting on any street, or for making and repairing sidewalks. Furnish lines and levels.

And to provide the lines of the streets, alleys, lanes, fronts, sidewalks, &c., he shall take such steps for the permanent marking and defining them as he may deem advisable, and keep a record in his office of all such marks as he may make, or such bolts, blocks, or bench-marks as he may place. Lines of streets, &c.

§ 367. The city engineer shall procure, at the expense of the corporate authorities, eight suitable well-bound books, one for each ward, on the back of which shall be lettered the name and number of the ward, and he shall cause an accurate plat of each square of ground divided into lots in each ward to be drawn and numbered in the appropriate ward book, in a neat and skillful manner. The plat of said squares and lots shall be made from actual surveys, and the name or names of the owner of each lot in each square shall be plainly written on pages following each plat. He must procure ward books.
Shall enter therein a plat of each square and lot from actual survey.

That whenever any lot is sold in said city at private, public or judicial sale, the purchaser shall within three days after the sale, report the same to the city engineer at his office and cause the change of ownership to be made on the proper ward book, and if any purchaser or his agent Proper entry to be made in sales of lots.
Penalty.

shall fail to make said report, within the time prescribed, he shall be fined in such sum as the mayor may impose, not exceeding fifty dollars.

City engineer to examine records to see who fails to make reports of sales.

§ 368. And it shall be the duty of the city engineer to examine from time to time the records in Mobile county, and report to the mayor any purchaser who fails or refuses to make the report therein required. And in order to aid the engineer in making a correct record of the ownership of lots, he is hereby required to give notice by advertisement in the official journal of the city, for owners of property to produce their title deeds to lots and lands in said city, or otherwise show claim or ownership thereto, and any owner or agent who shall fail or refuse to respond to said notice within a reasonable time, shall be subjected to such fine as the mayor may impose, not exceeding fifty dollars. And if any person shall apply to the city engineer for information as to the ownership or dimensions of any lot, it shall be furnished by the engineer, who shall be entitled to receive therefor the sum of fifty cents.

Penalty.

Fees for information as to ownership of property.

He shall attend sales of lots for taxes.

It shall be the duty of the city engineer to attend the city tax collector's sales of lands for non-payment of taxes, and to perform the duties prescribed in the ordinance entitled an "ordinance for the assessment and collection of taxes and licenses."

Assistant may be appointed.

The mayor and presidents of the two boards shall appoint some suitable person as an assistant to aid him in making the plats, surveys, and ascertaining and recording the ownership of the lots and squares as provided herein, and do such other work in the office as said engineer may require of him, and such assistant shall receive a salary at the rate of fifteen hundred dollars per annum, payable monthly, until otherwise provided by the corporate authorities.

Salary.

ARTICLE VI. STREET COMMISSIONER.

Street commissioner elected.

§ 369. *Be it ordained*, That there shall be elected in convention at the annual election for the year 1867, and every year thereafter, a street commissioner, with the other city officers, and he shall give such bond, and receive such salary as the corporate authorities may from time to time determine.

Bond.

It shall be his duty, under the direction of the mayor, to exercise immediate supervision over the streets, lanes, alleys, sidewalks, &c., of the city, and to direct and control the force, laborers, horses, carts, and other working power that may be provided for the working of the streets.

Under the mayor to supervise streets, &c.
And street force.

To keep a correct record of the time they are employed from day to day, which he shall report monthly to the city treasurer.

To keep record of employment and report.

To keep a correct account of all implements of every description belonging to the city, and used on the streets, which may be in his custody, charge or keeping; and make a report thereof at the end of every three months, accounting for loss or destruction of any; and any deficiency not accounted for satisfactorily, shall be charged to him, and deducted, by order of the finance committee, from his salary.

To keep account of property, and report every three months.

Accountability.

And whenever, in his opinion, it may be necessary to renew or erect any bridge or bridges, he shall report the same to the engineer, who shall make an estimate of the probable cost and expense of it, and report the same to the mayor.

Report as to bridge.

He shall daily examine the streets, lanes, alleys, vacant lots and sidewalks of the city, and cause them to be kept clean and in good order, and to report to the mayor all persons who may be guilty of violating any of the ordinances relating to streets.

Daily examine streets, &c.
Duties.
Report to mayor.

That all work pertaining to the drainage or grading of streets, or making or repairing of sidewalks shall be done according to the plans and under the direction of the city engineer.

Plans of work to be furnished by city engineer.

He shall remove all nuisances that may be found in the streets or on the sidewalks—and report to the mayor all persons who obstruct the streets or sidewalks, or who create nuisances, or who fail or refuse to remove their dead animals, and in case the owner of dead animals cannot be found, or is not known, it shall be his duty to remove them to such place as may be designated for their deposit, and there bury them in a hole of proper depth.

He shall remove nuisances and bury dead animals.

And he shall do and perform such other duties as may be from time to time required of him by the mayor and street committee.

And perform such other duties as may be required.

CHAPTER XXXVI.

TAXES AND TAXATION.

An Ordinance to provide for the Assessment and Collection of Taxes and Licenses.

ARTICLE I. ASSESSOR AND ASSESSMENT OF TAXES.

" II. COLLECTOR AND COLLECTION OF TAXES.

" III. ASSESSMENT AND COLLECTION OF LICENSE TAXES.

ARTICLE I. ASSESSOR AND ASSESSMENT OF TAXES.

Property and
estate to in-
clude.

§ 370. *Be it ordained*, That real property or estate when referred to in this ordinance shall include real property as defined in section 27 of this Code, and land, houses, hereditaments, permanent fixtures or attachments thereto, out of the city, if extended to and attached to real estate within the city, if by means thereof such property out of the city is made an adjunct to the carrying on of any business in the city, including water-works and gas-works for supply of the city.

Real.

Personal.

And personal property or estate when referred to includes personal property as defined in section 27 of this Code, and all matters of a temporary or movable property in which a right can be had or riches consist, and income, (except salary and wages for hire, which shall not be taxed).

What distinc-
tion may be
made in assess-
ing.

§ 371. That in assessing property no distinction shall be made as to persons, but may be made in the property taxed as shall seem meet and proper by the mayor and the presidents of the two boards, or the corporate authorities.

License not a
tax.

That a license to carry on any trade, business or pursuit shall not be deemed a tax on the property employed or the income derived from it.

Head tax of \$1
assessed.

A head tax of one dollar shall be laid and assessed on all male adults in the city between the ages of twenty-one and sixty years.

Assessor
elected.

§ 372. That at the annual municipal election once in three years after the expiration of the term of the present

incumbent, there shall be elected in convention, from the resident free holders in the city, an assessor of taxes for the term of three years, who shall give bond in such sum, and shall receive such annual salary, payable monthly, as may be determined from time to time by the corporate authorities.

Term.
Bond and
salary.

When a vacancy occurs by death, resignation or removal from the city, the convention shall elect a person with the same qualification, who shall hold office for the unexpired term of his predecessor.

Vacancy, how
filled.

He shall keep his office in the municipal buildings and devote his entire time and attention to the duties appertaining to his office, and shall hold the books and papers relating to his office, at all times during business hours, open and free to the inspection of every person, and at the end of his term shall turn them over to his successor in office.

Duties.
Office in the
municipal
buildings.

That each municipal year he shall make a full and complete assessment of all the real and personal property in the city, which shall be completed for each ensuing municipal year before the first Monday in February.

Shall make
assessment
each year to be
completed be-
fore 1st Mon-
day in
February.

In order to aid him in doing this, the city clerk shall each year furnish him by the 15th day of December succeeding every annual municipal election, with an alphabetical list of the voters in the city, who voted at the then last election, the names to be arranged in the wards in which they voted.

Clerk shall fur-
nish him with
alphabetical
list of voters.

How arranged.

And as each person whose name is on the list, is assessed, he shall note it opposite to the name.

Note each
name.

And every person whose name is not on the list, shall be added thereto when he is assessed.

Names to be
added.

And on the next list made by the clerk he shall add such names as appear from the assessor's last returns, and not found in the list of voters. So that each year's returns of names by the assessor and the voter's list, may aid him in making full assessments.

Clerk to make
additions to his
list.

§ 373. He shall begin not sooner than the 1st of October, and as soon thereafter as practicable shall appoint in each ward in the city a time and place for taking assessments, notice of which shall be given by advertisement for ten consecutive days of publication in the official newspaper.

Commence 1st
October in
each ward.

Notice.

Assessor's
notice.

§ 374. ASSESSOR'S NOTICE.

Notice is hereby given that on the day of
18 , I will attend at on Munroe street, between
Royal and Water, between the hours of (9 A. M.) and
(4 P. M.) to assess the property in the (5th ward) at which
time and place all persons are required to give in their
assessment of property.

R. A. LEWIS,
City Assessor.

Mobile, 18

All persons
shall give their
assessment.

At which time all persons shall be required to give their
assessments at such of the places as they please, and any
person failing so to do shall pay the assessor fifty cents,
which shall be collected by the city tax collector and paid
over to the assessor.

Tax collector
shall collect.

Assessor shall
attend and
assess all
property.

§ 375. At such time and place he shall attend and shall
well and truly assess the property of every person, setting
forth a list and description of the property assessed, (using
the city maps when applicable,) its value, the name of the
party assessed and his business, in form substantially as
follows :

Form.

NAME, BUSINESS, AND RESIDENCE.	DESCRIPTION OF PROPERTY.	VALUE.	
A. B., Broker, Mobile,	House and lot, north side Dauphin, between Royal and Water streets : 55 feet front ; 110 feet deep, - - 4 horses, - - - - -	\$800	\$5,000
Unknown owner,	Vacant lot, south side Munroe, be- tween Royal and Water streets : 60 feet front ; 120 feet deep, - -		\$5,000

Ascertain all
persons and
property sub-
ject.
Shall compare
assessments
with clerk's
lists.

He shall use all diligence to ascertain all persons and
property that are subject to assessment, and assess them.

When he has filled his appointment in each ward of the
city, he shall (aided by the clerk) compare his assessment
with the lists made by the clerk, and note all that are not
assessed.

Then with
engineer.

He shall then (aided by the city engineer) compare the
property assessed with a correct map of the city, and ascer-
tain what real estate is omitted in his assessment, and shall
assess it.

He shall then assess all persons on the list not already assessed, and all others whom he can ascertain have not been assessed. Shall assess those not assessed.

And where owners are not known he shall assess the same to "unknown owners." Unknown owners.

In ascertaining all assessments, the property to be assessed, the owner, its value, its description, or any other matter within the range of the duties of assessing the property, he is authorized and empowered to administer an oath in the following form: May administer oath.

I do solemnly swear, or affirm, that the list I have delivered contains all the taxable property I have in any manner in my possession, within the limits of the city of Mobile, subject to taxation, and that I do not know of any other, so help me God. Form of oath.

A. B.

Subscribed and sworn to }
before me, }

R. A. LEWIS,
City Assessor.

Which shall be filed in the office of the city clerk, that he may ascertain the value of property subject to assessment from the oath of the person, any information that he may obtain, or from his own knowledge, but the only rule of appraisement shall be the cash value of the property. Shall be filed with clerk.

§ 376. And if any person shall refuse to make oath as above, he shall be assessed double. That when his assessment shall be complete, he shall arrange and copy alphabetically in plain and legible hand-writing, in books to be provided by the city, lists of the assessments, and shall have the books completed and properly made up for the inspection and use of the city authorities, on or before the first Monday in February in each year. Cash valuation.

That the assessment shall be returned to the city clerk as soon as completed, not later than the first Monday in February, verified by the oath of the assessor as follows: Persons refusing to take oath assessed double. When completed, shall copy alphabetically. To be completed before 1st Monday in February.

THE STATE OF ALABAMA, }
MOBILE CITY. }

Assessment to be returned to clerk.
Not later than 1st Monday in February.
Sworn to.
Form of oath.

I, Reuben A. Lewis, assessor of taxes for the city of Mobile, solemnly swear that I have assessed all of the taxable property, both real and personal, so far as I know or have been able to learn after the most diligent endeavor

and inquiry, that I have valued the property so assessed and set it forth in the tax list, according to the best of my knowledge and judgment.

R. A. LEWIS,
City Assessor.

Subscribed and sworn to before }
me, this day, 18 }

J. M. WITHERS, *Mayor.*

Which shall be written at the end of the assessment lists.

Clerk shall file
copy.

The clerk shall file the same and enter a copy of it on the records of the city.

And notify
mayor and
presidents.

And on the day that the assessment list is filed and returned into his office he shall notify, in writing, the mayor and the presidents of the two boards of the fact.

Mayor and
presidents shall
meet.

§ 377. That as soon thereafter as is convenient, the mayor and the presidents of the two boards shall meet and form a court, and assess the number of cents on the dollar to be taxed on the property listed and returned by the assessor.

And make an
order of pub-
lication that
the assessment
is ready for in-
spection, and
that objections
may be made.

They shall make an order of record requiring ten days' notice to be given in the official newspaper by consecutive publications, that the assessment lists are ready and open for inspection by all persons interested, and that all objections thereto must be made within twenty days after the date of the first publication of the notice, and set a day not less than twenty days after the first publication of the notice for the hearing of all exceptions thereto.

Form of notice.

The notice may be as follows:

OFFICE OF THE CITY CLERK, }
Mobile, 18 }

Public notice is hereby given that the assessment lists of taxable real and personal property in the city of Mobile for the year 18 have been completed and returned to the mayor, aldermen and common council, by the assessor, and are open for inspection at my office.

All persons feeling themselves aggrieved by the assessment of their property are hereby requested to make and file their exceptions in my office on or before the day of at which time the same will be heard.

WHITFIELD TURNER,
City Clerk.

Clerk shall see
that notice is
given at once.

And it shall be the duty of the clerk to see that the notice is given immediately.

§ 378. The city clerk shall attend all meetings and record all of the proceedings of the said court throughout their action on the assessment lists. Clerk shall attend all meetings, &c.

He shall receive and file all exceptions to the assessment lists, and shall make a docket thereof, which he shall lay before the said court.

On the day appointed for the hearing of exceptions to the lists, or on such day to which the court shall continue such hearing, they shall meet in the mayor's office, and shall take up, hear and determine each exception filed, and shall decide thereon as a majority of them may deem just and right. On the day set, shall meet and take up objections and consider them.

They shall distinctly and clearly state the decision made on all exceptions, and that all exceptions filed have been heard and decided, and that, save as excepted to and altered upon the hearing of the exception, their previous actions are in all things confirmed, and that the assessment and the number of cents to be paid as assessed by the court be and are fully determined as assessed and laid as taxes on property in the city for the municipal year. Said entry shall contain an order that the action taken by the court be at once reported by the clerk to the mayor, aldermen and common council. What shall be stated.

§ 379. The clerk shall at once give the notice to the boards of aldermen and common council, who shall separately convene, attended by the city clerk, and shall cause an entry to be made reciting that they have received said notice and have met, and that they find the proceedings conformable to law, and that they are approved by them, which shall be approved by the mayor. And ordered to be reported by clerk to boards.

§ 380. That the city assessor shall at once prepare a duplicate list of the assessment so made containing a description of the real property, with its valuation and the tax assessed and laid thereon. On notice, the boards shall convene and adopt the action which shall be approved by mayor.

And the amount of the personal property assessed to each person, with the tax assessed and laid thereon. Assessor shall prepare duplicate lists of real property.

And the name of each person liable to a head tax, and the amount of such head tax, and shall submit said list to the mayor, who shall issue his warrant in favor of the city assessor on the city treasurer for one hundred and fifty dollars. And personal property.

And head tax.

Mayor to issue warrant to city assessor.

Mayor's warrant to tax collector.
Form of warrant.

The mayor shall thereupon append thereto his warrant to the tax collector of the city, as follows:

STATE OF ALABAMA, }
CITY OF MOBILE. } *Mayor's Office.*

To the Tax Collector of the City of Mobile:

Whereas, The mayor, aldermen and common council of the city of Mobile, did, on the day of
18 , assess and lay upon the assessed value for the year
eighteen hundred and of the real and personal
property hereafter described, the several sums set opposite
thereto, and also the head tax as therein set forth, for a tax
for the municipal year eighteen hundred and
as follows: [Here set out the list.]

Now, therefore, you are hereby commanded to make levy
and collect of the goods and chattels, lands and tenements
of the said persons, the said several sums of money set op-
posite the real and personal property above described, and
the head taxes herein set forth as the taxes therein, for the
year aforesaid, and to attach and sell the said lots and
lands to make the said several sums of money and costs,
and make return of this warrant with your proceeding
thereon on or before

Given at Mobile, this day of 18
J. M. WITHERS, *Mayor.*

ARTICLE II. TAX COLLECTOR AND COLLECTION OF TAXES.

Tax collector
elected.
Bond and com-
pensation.

§ 381. *Be it ordained*, That there shall be annually elect-
ed in convention a "tax collector," who shall give bond
in such sum, and receive such remuneration as shall be de-
termined by the corporate authorities.

He shall be ac-
countable for
whole tax.
Who excused.

He shall be charged with and accountable for the whole
amount of the assessed taxes in each year, and he shall
only be released from such liability by showing the entire
insolvency of the person assessed, of whom he has failed
to collect the taxes,

And by showing that the amount of his account cannot
be collected by the exercise of the utmost diligence, and
the use of all the means given by law.

§ 382. That if any real property shall be assessed to unknown owners, or to persons who are known, and the taxes or dues assessed on them are not paid within sixty days from the time when the said taxes or dues are required to be paid,

Property of
unknown
owners.

He shall give notice (in the official newspaper, or by printed sheet circulated therewith, and kept for public inspection at the mayor's office, as shall be deemed most expedient and least expensive) of the lots and real estate on which the taxes are unpaid, describing them so that the lot may be pointed out, and that he will, at a certain time and place named, proceed to sell such of the lots and lands upon which the taxes and dues are unpaid, or so much thereof as shall be sufficient to pay the same.

Notice to be
given.

Description.

Sale.

And on the day and at the time appointed, or on such day as he may then adjourn it to, he shall proceed to sell any and as many lots on which the taxes and dues are not paid, or so much thereof as will satisfy the tax, and two dollars as a fee for the advertisement and sale, and a certificate thereof, which sum of two dollars shall be paid by the purchaser, and in case the corporate authorities become the purchaser, the tax collector shall retain in his hands the amount of the expenses of sale out of any moneys in his hands not paid over.

Shall sell.

Fee.

§ 383. The city engineer shall attend such tax sales, and shall bid off, in the name of and for the mayor, aldermen and common council of the city or Mobile as purchaser, all the lots and lands on which the tax collector cannot get a bid, from other persons, to the amount of the taxes and expenses of sale; and said engineer shall take possession of such lots, lands and tenements for said city, and if any person shall resist or molest him in the discharge of said duty, he or she shall be subject to a fine, to be imposed by the mayor or acting mayor, not exceeding fifty dollars; and said engineer is hereby authorized to call on the mayor for any force or assistance necessary to take and keep possession of said property.

City engineer
shall attend
sale.

City engineer
shall take pos-
session of lots.
Penalty for re-
sisting
engineer.

Any person may acquire the title and possession of said corporate authorities to any of the lots and lands so sold, by paying the taxes due, twenty-five per cent. per annum thereon, and all charges and expenses of said sale, subject, however, to redemption by the claimant or owner, in the manner prescribed by the charter.

Any person
may acquire
title paying
taxes, twenty-
five per cent.
and expenses.

Certificate.

That he shall give to the purchaser at such sale a certificate to the following effect :

Form of.

I, John Parham, tax collector of the city of Mobile, do hereby certify that the city taxes for the year 18 (or the particular tax or assessment as the case may be) being due and unpaid on a lot of land in the said city, bounded and described as follows : (here insert a description by metes and bounds). I have this day sold the same (or such part as he may sell) to , who has paid the taxes thereon, amounting to dollars, including my fee of two dollars for expenses of sale, and by virtue of the authority to me given by law, I authorize the said and his assigns to hold the said premises until the same shall be redeemed according to law.

Witness my hand and the seal of the city, this day of , 18 .

JOHN PARHAM,

City Tax Collector.

Attest : WHITFIELD TURNER, *Clerk.*

And the tax collector shall cause the seal of the city to be affixed to the certificate.

Tax collector to put purchaser in possession.

The tax collector is empowered, and it is his duty to put the purchaser in possession of the premises sold to him within thirty days after the sealing of the certificate, which shall be evidence of a right to possess the premises therein specified, and to retain them until redeemed, as provided by law, and if necessary, the mayor is authorized to direct the police to put the purchaser in possession.

Forfeiture on failing to pay taxes.

§ 384. That if any purchaser of a lot under a sale by the tax collector, shall fail or omit to pay any subsequent assessment or tax, he shall forfeit all right under his purchase and certificate to the city of Mobile, and shall be bound to relinquish the possession of it.

And if such lot is subsequently sold for taxes, the person holding under the former sale shall, after notice of the subsequent sale, be deemed and held guilty of unlawful and forcible detainer, and shall, at the instance of the person entitled to the possession, be dispossessed in same manner as provided for in the preceding section.

Tax collector may levy on property to collect tax.

That for the collection of taxes on other than real estate, it shall be the duty of the tax collector on failure or refusal of any person to pay the same, to levy on said personal property, or so much as he may deem necessary, and

after giving three days' notice in the official journal of the city, to proceed to sell the same, to pay the taxes and the expenses of the sale, and for which services the tax collector shall be entitled to receive the sum of two dollars out of the proceeds of the sale in each case.

Three days' notice.

§ 385. That such part of the assessed taxes as cannot be collected by the means provided in this ordinance, shall continue a lien on the property assessed until paid.

And the tax collector shall be authorized from time to time to offer and expose to sale, under the foregoing provisions, such lots as shall not have the tax paid thereon, and like certificate shall be given in cases of any subsequent sale, and similar proceedings shall be had thereon.

Collector shall from time to time offer for sale.

That from the date of the assessment, there shall be a lien on all personal property in the city for the amount of the taxes due thereon; and a preference lien is hereby created on all the real and personal property of the tax payer for the amount of the city taxes, from the date of the assessment and until collected, and both real and personal property is liable for all the taxes assessed against the tax payer. And the tax collector is authorized to proceed by sale of either real or personal property to collect any taxes due the city.

Lien for taxes on real and personal property.

That whenever it shall come to the knowledge of the tax collector that any property, real or personal, has been omitted from the assessment, he shall report the same to the assessor, who shall assess and place the same on the tax lists as other property, and the collector shall collect the taxes thereon.

Tax collector shall report omitted property to assessor.

That whenever any tax payer shall fail or refuse to pay his or her taxes by the first day of July of each year, the tax collector shall add ten per cent. to the taxes due, which shall be collected in the same manner as provided for the collection of assessed taxes.

Commutation tax of ten per cent.

§ 386. It shall be the duty of the city tax collector, as soon as practicable after the issuance of the mayor's warrant for the collection of the city taxes, to give notice for ten days in the official journal of the city, requiring all persons who have sold, or who have been engaged in the sale of any merchandise at private or auction sales, during the three months preceding the first of April, 1866, to come to the office of the city tax collector and give in un-

Tax collector shall give notice to tax payers to give in under oath sales of merchandise.

der oath, the gross amount of his sales of merchandise and auction sales, as provided for by the city charter, and he shall give the like notice every three months thereafter, to ascertain the gross amount of such sales for every preceding quarter.

Penalty for failing to give in sales.

Every person selling, or who has been engaged in the sale of any merchandise at private or auction sales, during said three months, or one quarter preceeding said first of April, 1866, shall give in under oath to the city tax collector the gross amount of such sales for said time, within fifteen days after said notice, and failing or refusing to do so, shall be subject to such fine as the mayor or acting mayor may impose, not exceeding fifty dollars, for each day's failure or refusal.

Tax payer to give in under oath sales.

It shall be the duty of every person selling, or engaged in the sale of merchandise in said city, after said first of April, 1866, to appear before the city tax collector, and within ten days after the public notice given by him as above provided for, and give in under oath the gross amount of his sales of merchandise and auction sales for each preceding three months, and on failing or refusing to do so, shall be fined in such sum as the mayor or acting mayor may impose, not exceeding fifty dollars for each day's failure or refusal.

Penalty for false accounts.

And any person giving in any false or fraudulent account of such sales, with intent to defraud said city of any portion of the revenue derived therefrom, is guilty of perjury and shall be convicted in the manner and suffer the penalty prescribed by law for that offence.

Pay over all other money to treasurer weekly, &c.

Shall report, &c.

§ 387. He shall pay over to the city treasurer on Saturday of each week, and oftener if required by the mayor and the presidents of the two boards, all money collected by him for taxes from all sources, and make weekly report thereof to the boards of aldermen and common council, with the names of the persons from whom collected, and the amounts from each, and the receipt of the city treasurer.

Reports and receipts filed with clerk.

Such report and receipts shall be filed and recorded by the city clerk.

ARTICLE III. ASSESSMENT AND COLLECTION OF LICENSES.

An Ordinance to provide for assessing and collecting licenses to carry on business in Mobile.

§ 388. *Be it ordained*, That all persons trading or carrying on any business, pursuit, trade or profession in the city, shall obtain a license for the same in the manner herein-after prescribed. Who subject to.

That such licenses shall be graded, and the rates established by the corporate authorities, and may be changed from time to time as they may deem necessary, and all persons obtaining a license shall pay the amount according to the grade in which he shall be assessed.

The several members of a partnership conducting business under one firm name, and without any branch business, and not having two distinct places of business, shall be treated as but one person in obtaining a license, if the license is obtained in the name of such firm. Partners.

And no license to one person or firm shall be used as a license to any other person or firm. Only to the person for whom issued.

Nor for any other business than that for which it is issued. Nor for any other business.
But the person or firm may change the place of business, or may take a partner, or may change the partnership if the business is the same. But the place of may be changed, and partner may be changed.

And no license shall be required of any mechanic carrying on his trade or journeywork, wherein the person employs no capital, but conducts it solely by his own skill and attention, without the aid of employees, nor any person following the business of a clerk, book-keeper, minister of the gospel, teacher of a school for the education of youth, or holding any salaried office. Not required of mechanics.

§ 389. The city assessor shall, at the beginning of the municipal year, and from time to time, diligently assess every person trading or carrying on any trade, pursuit, business or profession in the city, he shall class each avocation into a grade or grades, not exceeding three, and shall determine the grade in which each person be assessed as to him shall seem fair and just, unless the grade has been fixed by the corporate authorities. Assessor shall assess every person liable.

To ascertain the grade, he is authorized to act upon such information as he can get, or on his own knowledge, or he Not exceeding three grades.
May require answer on oath.

Any person refusing to answer shall be classed in first grade. Payment shall be made at once and license issued.

may require any person to answer upon oath any question that he may deem material; if such person refuse so to answer he shall be classed in the first grade.

Assessor allowed same fees as tax collector. Mayor to determine disputes

When the assessor shall assess any one under this ordinance, and such person is content with the assessment, payment shall be made to him, and he shall fill up a blank license and give it to the payer, and receive and receipt for the money; and said assessor shall receive the same fees for his services as is allowed to the city tax collector for the collection of taxes; and provided if the assessment made by the assessor shall be deemed wrongful or unjust, by the party interested, he shall have the right to be heard before the mayor, whose decision in the matter shall be final.

Assessor shall account to mayor for blank licenses. Report to boards.

He shall account to the mayor for every license given to him by the mayor, and shall semi-annually, and as often as may be required, report in writing to the boards his whole action in the assessment and collection of licenses.

Mayor may issue blank license to assessor.

§ 390. That for the convenience of those who are subject to license, the mayor is authorized to procure a book of blank licenses, and he may from time to time issue as many blank licenses as he may see fit,

Conditions.

Which shall have the grade one, two, three, written on the face of them, which, being countersigned by the city clerk, the mayor may place in the hands of the city assessor, in all cases taking his receipt therefor, specifying the number of each grade received.

Assessor to give notice.

§ 391. That it shall be the duty of the assessor, as soon as practicable, after the rate of licenses have been established, at the commencement of each municipal year, to have a list of the rates and grades published in the official journal of the city for five days, and every person failing or refusing within ten days after said notice, to obtain any license required under the provisions of this ordinance, shall be subject to such fine as the mayor may impose, not exceeding fifty dollars for each day's failure or refusal.

Does not apply to license granted under section 52 of city charter.

§ 392. This ordinance does not apply to any business avocation or place of public amusement or entertainment, for which licenses are granted under section 52 of the city charter, the rates of which licenses are fixed annually by the mayor and presidents of the two boards.

§ 393. The city assessor shall make weekly reports in writing to the boards of aldermen and common council, of all moneys collected by him for licenses or from other sources, and at the same time pay the moneys so reported over to the city treasurer, which said reports and receipts shall be filed and recorded by the said city treasurer.

City assessor shall report weekly.

Pay over to city treasurer.

§ 394. That all ordinances or parts of ordinances conflicting with the provisions of this ordinance be, and the same are hereby repealed.

CHAPTER XXXVII.

TREASURER.

An Ordinance to provide for a City Treasurer.

§ 395. *Be it ordained*, That there shall be annually elected in convention a city treasurer, who shall give such bond and receive such compensation, as the corporate authorities may from time to time determine.

Elected.

Bond.

Salary.

§ 396. He shall keep his office at the municipal buildings, where he shall attend from 9 o'clock, A. M., till 3 o'clock, P. M., each day. It is his duty,

Duties.
Keep office.
Hours.

To keep a regular set of books, in which fair entries shall be made of all things pertaining to, or done in his office.

Set of books.

To keep a regular account of all the indebtedness of the city, and also what is due to it.

Accounts.

To attend at all the meetings of the board of common council, and make full and proper entries and records of all orders, resolutions, ordinances, opinions and proceedings of the board.

Attend meetings of common council and keep their records.

To make weekly reports in writing to the two boards, of all money received by him, from whom and from what source of revenue, and of the amounts paid out by him on account of the city—to whom and to what department.

Weekly reports.

These reports shall contain statements of facts, and his opinion thereon, if he think fit.

Contents of.

To carefully file and preserve in his office all books and papers which may be delivered to him by virtue of his office.

Keep all books and papers.

Deliver to his successor everything.	To deliver over to his successor in office, or to the board of common council, all books, papers, moneys, accounts and property belonging to his office.
Notify city printer of special meetings. Report failure to mayor.	He shall notify the city printer of all called or special meetings of the board of common council, and report to the mayor any failure of the city printer to have a reporter present at any called or regular meeting of said board.
Perform other duties.	To perform all the duties prescribed by the city ordinances or by-laws.
General duties.	To perform all other duties generally, under the direction of the mayor, which treasurers of cities are required or accustomed to perform.

CHAPTER XXXVIII.

WATER-WORKS.

An Ordinance respecting City Water Works.

No person shall injure any of the works.	§ 397. <i>Be it ordained</i> , That if any person shall wilfully cut, deface, remove, uncover or otherwise injure or disturb any of the logs, or wooden or iron pipes used for the conveyance of the water from Spring Hill, or any other point, into the city of Mobile, or any of the leaden pipes or other pipes which may lead from the wooden or iron pipes afore-said, or any of the hydrants, stop-cocks, fire-plugs, or other fixtures attached to the wooden, iron or leaden pipes afore-said, he, she or they so offending, for every such offence shall forfeit and pay such sum as the mayor may impose, not exceeding fifty dollars, to be recovered with costs, before the mayor or any one of the aldermen of the city of Mobile.
Penalty.	
Penalty for injuring reservoirs.	§ 398. That if any person or persons shall wilfully destroy, or in any manner injure or deface any of the reservoirs constructed in the city of Mobile for the reception of the water conveyed into the said city of Mobile from Spring Hill, or any other point, he, she or they so offending, shall forfeit and pay for every such offence such sum as the mayor may impose, not exceeding fifty dollars.

§ 399. That if any person or persons shall use the water conveyed into the city as aforesaid, without having first obtained permission from the said mayor, aldermen and common council, or person holding under them, so to do, he, she or they so offending, shall forfeit and pay double the sum of money he, she or they would have been required to pay to the said mayor or aldermen and common council or other person holding under them, for the privilege of using the said water, to be recovered with costs as aforesaid.

No person to use water unless permitted so to do.

§ 400. That if any person or persons authorized by the said mayor, aldermen and common council, to use the said water, shall sell any of the said water, or give away the same, or use it for any other than household purposes without the special license of the said mayor, aldermen and common council (or the person or persons holding under them) he, she or they so offending, shall forfeit and pay for every such offence such sum as the mayor may impose, not exceeding fifty dollars, to be recovered with costs as aforesaid.

No person authorized to use, shall sell it or give it away, &c.

Penalty.

§ 401. That if any person or persons shall wilfully waste any of the said water, or wilfully permit the same to run to waste, he, she or they so offending, for every such offence shall forfeit and pay such sum as the mayor may impose, not exceeding fifty dollars, to be recovered with costs as aforesaid.

Shall not permit waste.

Penalty.

§ 402. That if any person or persons shall carelessly or negligently leave the said water running, or shall otherwise negligently waste the same, or negligently permit the same to run to waste, he, she or they so offending (or if a child his or her parents or guardian) shall pay for every such act of carelessness or negligence such sum as the mayor may impose, not exceeding fifty dollars, to be recovered with costs as aforesaid.

Nor permit the water to run to waste.

§ 403. That if any plumber, or any person or persons shall conduct the said water from the said wooden or other pipes, or shall superintend the conducting of the same from the said wooden or other pipes, unless authorized so to do by the said mayor, aldermen and common council of the city of Mobile (or the person or persons holding under them) such plumber or other person or persons shall forfeit and pay for every such offence such sum as the mayor may

If any plumber or workman shall conduct the water without permission, he shall forfeit \$50.

impose, not exceeding fifty dollars, to be recovered with costs as aforesaid.

Any person violating this ordinance, if unable to pay fine, to be imprisoned.

§ 404. That if any person or persons shall commit any of the offences enumerated in this ordinance, and shall be unable to pay the price assessed against him or them for such offence, he, she or they shall be committed to the city prison until discharged by the due course of law.

Duty of water-works to furnish pure and wholesome water.

For failure to furnish such water, shall refund.

§ 405. That it shall be the duty of any water-works company, or the proprietor of any water-works, to furnish an abundant supply at all times to the inhabitants of said city, of clear, pure and wholesome water, and if any water-works company, or the proprietor of any water-works, fail to furnish such water to any water tenant, he or they shall refund (if the water rent has been paid) to the tenant a proportionate amount for the time such failure exists, (and if not paid,) the proper deduction to be made from the bill. The amount of deduction to be made on the decision of the mayor, upon the reference and complaint of any water tenant, and for the failure to comply with the provisions of this section, he or they shall be subject to such penalty as the mayor may impose, not exceeding fifty dollars.

Penalty.

Provisions of this ordinance shall apply to any new water-work that may be erected.

§ 406. If, hereafter, any other than the present water-works should be constructed to convey water into the city for the use of the inhabitants thereof, all the provisions and penalties of this ordinance shall apply to such new works.

CHAPTER XXXIX.

WHARVES.

An Ordinance regulating Wharves and Water Fronts.

Mayor and presidents of the two boards to appoint wharf committee.

§ 407. *Be it ordained*, That as soon as practicable after the passage of this ordinance, the mayor and the presidents of the two boards shall appoint a committee of wharves, to consist of two members from each board, who shall serve as such for the balance of this municipal year, and they shall appoint a like committee at the commencement of each municipal year thereafter.

Said committee are hereby charged with the control and supervision of all of the wharves belonging to said city, and to direct and manage the construction and repairs thereof, and the collection of all the revenue arising from the same, and to see that the superintendent of wharves performs all the duties required of him by this ordinance. They shall report to the boards semi-annually, or oftener if required, the condition of the wharves, all construction or repairs of wharves, and all other information necessary.

The said committee is also authorized and empowered when directed by the corporate authorities, to obtain or purchase from any person owning any wharf property in said city, the title thereto, and to report their action for ratification to the mayor and the two boards.

The rates of dockage and wharf charges and fees shall be established from time to time as the corporate authorities may determine.

All bills created in the construction, management or repairs of the wharves of said city, shall be audited and passed for payment by said committee, and the draft for the amount thereof, signed by the chairman of the committee and countersigned by the mayor, shall be paid by the city treasurer.

Said committee shall have power to appoint from time to time, such clerks or assistants to aid the superintendent of wharves, as may be necessary for the proper management of said wharves and collecting the revenue thereof, who shall receive such compensation as the committee may determine, until otherwise provided by the corporate authorities—and such clerks shall be subject to the order, and under the direction of the superintendent of wharves.

§ 408. *Be it further ordained*, That there shall be elected as soon after the passage of this ordinance as practicable, a superintendent of wharves, who shall act as such for the balance of this municipal year, and shall be elected thereafter at the annual election of officers for the year 1867 and annually after said last election, and he shall receive such compensation, and give such bond, as the corporate authorities may from time to time determine.

His duties shall be to collect all the dockage and wharf charges belonging to said city, and make reports thereof to the boards.

Wharf committee charged with the control, supervision, construction and management of the wharves belonging to the city. Wharf committee to see that superintendent attends to his duties. Shall report to the boards semi-annually. Wharf committee to purchase wharves, when directed by corporate authorities.

Rates and fees.

Wharf committee to audit all bills for repairs construction or management of wharves before they are presented for payment. Mayor to countersign order for payment. Committee to appoint clerks to aid superintendent.

Compensation.

Clerks to be subject to orders and control of superintendent. Superintendent elected.

Bond and compensation.

Duties of superintendent.

Superintendent shall personally supervise, control, collect the revenue and manage the wharves under the direction of wharf committee.

Superintendent shall procure books and shall act as clerk to the wharf committee.

Superintendent shall perform all duties required of him by the city authorities. Docks to be kept clear.

Certain vessels, boats, &c., may be removed.

Limits of wharf front.

He shall personally superintend and control the construction or repairs of said wharves, and to generally supervise and manage the same, under the direction of said committee, and shall see that all the ordinances and regulations respecting wharves are complied with, and report any violations of the same to the mayor.

§ 409. He shall provide, at the expense of the city, suitable blank books, and make entries therein of all moneys collected by him, showing the dates, amounts and sources from whence collected. He shall also act as clerk of said committee, at all of their meetings, and keep a record of their proceedings in said books. The books so kept by him shall be open at all times to the inspection of the said committee, the mayor, or any member of the two boards.

§ 410. He shall perform such other duties in relation to wharves as may be required of him by the corporate authorities or said committee.

§ 411. That the owner of every wharf shall keep the docks or slips, to the distance of thirty feet on each side of the wharf, from end to end, cleared and free from logs, timber, brush-wood, sea-weeds and every kind of filth or obstruction.

§ 412. That all vessels, boats, barges, and other water craft, which may at any time contain stagnant water, or be in any manner in any impure or unwholesome condition, about the wharves or docks of the city, shall be removed to such place as the mayor may designate.

And in case that the person having control or charge of such vessels, boats, barges or craft shall neglect to remove it, to be cleansed or purified, it shall be removed or sold at the expense and risk of the owners.

If sold it shall be at public auction, and five days' notice shall be given of the time and place of sale; after paying expenses of the sale, the proceeds shall be paid into the city treasury, and if not claimed by the owner or his agent, within six months after the sale, shall be forfeited to the city.

§ 413. *Be it ordained*, That no wharf nor any other structure shall be built or constructed or extended, nor if built, constructed or extended, shall remain on the west side of Mobile river, if it projects east beyond a line commencing at the northern line of the city at a point

from which a line running south six degrees east shall strike a point in the northern line of Hunt street, extended a distance of three hundred and thirty-eight feet eastwardly from the west line of Front street, thence by a straight line to a point in the north line of St. Anthony street, extended two hundred and fifty-two feet eastwardly from the west line of Front street, thence by a straight line to a point in the north line of Conti street extended one hundred and sixty-five feet eastwardly from the west line of Front street, thence by a straight line to a point in the north line of Church street, extended two hundred and fifty feet eastwardly from the west line of Commerce street, thence by a straight line to a point in the north line of Theatre street, extended one hundred and ninety-five feet eastwardly from the west line of Commerce street, thence by a straight line to a point in the north line of Maine street, extended two hundred and ninety-five feet eastwardly from the west line of Water street, thence by a straight line to a point in the north line of New York street, extended five hundred and fifty feet eastwardly from the west line of Water street, and thence by a line running south twenty degrees and twenty minutes east to the bay.

§ 414. That no wharf shall be constructed in the city unless it is on piers or posts of hewn timber, and from an abutment extending east at least two hundred and fifty feet. How constructed.

§ 415. That no person shall cast or throw any animal or vegetable filth, or putrescent matter or thing whatever from any of the wharves, or into the river or docks within the city. No filth to be thrown into the docks.

CHAPTER XL.

WORK HOUSE.

An Ordinance establishing a Work House, House of Correction, and for working for benefit of the city, and prescribing rules and regulations therefor.

Establishing
work house and
house of cor-
rection.

§ 416. *Be it ordained*, That until otherwise provided, the building and premises on Royal street, now occupied as a city prison and work house, or house of correction, shall be known and used as such, in which shall be confined all offenders against the city ordinances, as well as all persons sentenced by the mayor or mayor's court to the work house, or house of correction, or to labor for the benefit of the city for a limited time.

Failure to give
bond, may be
sentenced to
work house and
labor for benefit
of city.

§ 417. *Be it further ordained*, That all persons convicted of the offences enumerated in sections two hundred and ninety-three, two hundred and ninety-six, and two hundred and ninety-seven of the ordinance entitled "An ordinance to prohibit vagrancy, quarrelling, riotous, immoral and disorderly conduct," being in chapter thirty-one of this code, and who fail to give the bond required by the mayor for such offences, as directed by section thirty of the city charter, may be sentenced by the mayor to the work house, or house of correction, not exceeding six months, to labor for the benefit of the city: *Provided*, Such person shall have the right to give the bond required at any time before the expiration of the sentence, and be discharged.

May give bond
before time ex-
pires.

§ 418. *Be it further ordained*, That all persons sentenced to the work house, house of correction, or to labor for the benefit of the city under the second section of this ordinance, or under any ordinance in this code, or hereafter adopted, shall be governed and controlled in such labor by the following rules and regulations :

Rules and regu-
lations.

That hereafter, and as soon as practicable, the male prisoners sentenced by the mayor or mayor's court to work on the streets and public works, shall be worked in chain gangs, or with ball and chain, if their bad conduct and safety require it, and shall be worked under the direction of a

superintendent and two assistants, and where the number of prisoners are as many as fifty, there shall be three assistants, and as many as seventy-five, four assistants, and an assistant for each twenty thereafter. Said superintendent and assistants may be appointed by the mayor, and the superintendent shall receive \$100 per month, and the assistants \$75 per month each. The whole chain gang to be under the chief direction of the superintendent while at work, and in going to and returning therefrom. And the white laborers shall be worked in separate gangs from the negro laborers, and confined in separate cells at night.

They shall work eight hours per day, and shall leave the prison in time each day to work the requisite number of hours.

The superintendent shall receipt to the chief of police, or officer of the day, each morning, by name and number, the prisoners taken to work; and he shall be responsible for their proper treatment, their faithful labor, and safe return to the city prison each evening, by or before twilight.

The superintendent shall procure, under the direction of the mayor, and at the expense of the city, necessary chains, and a ball and chain for each prisoner, when required, of such weight and character as not to seriously impair his capacity for labor, and he shall be responsible for the safe keeping of this and any other property of the city used for public work.

The female prisoners shall cook for the male prisoners, and the white female prisoners shall wash for the white male prisoners, and the black or negro female prisoners shall wash for the negro male prisoners; but when there are an insufficient number of either class to perform this labor, for the male class, designated, the other class shall be required to assist, of which the superintendent is to be the judge, and in his absence with the out-door laborers, the chief of police. The superintendent shall also direct and apportion said labor among the female prisoners, and in his absence the chief of police, the latter seeing that the work is properly and faithfully performed during the day.

All of said prisoners shall be fed with wholesome food at the expense of the city and the mayor shall make contracts to the best advantage for furnishing provisions at the

prison, the bills being payable monthly. The prisoners shall be kept at the city prison for the time being, the sexes being separated, and shall be locked up every night by or before dark.

Each prisoner shall be entitled to receive each day ounces of bread, ounces of meat, either salt or fresh, and ounces of potatoes, which the superintendent shall give out each day to be cooked, and he shall be responsible for the proper and economical use of said provisions.

The superintendent is authorized to direct his assistants, or either of them, to assist in the performance of any duties required of him in these regulations.

For any improper or negligent performance of any of the duties required herein, the superintendent, or either of his assistants, shall be fined not less than one or more than fifty dollars, and may be removed by the mayor at any time from office.

NOTE.

In consequence of the frequent changes which, experience has shown, are made from year to year in the rates of Taxes, Licenses, Fees of public Vehicles, and other charges, fees, &c., provided for by the various ordinances herein; it has been deemed best not to include any such matter in this code, but to leave them to be fixed and defined by ordinances kept in manuscript, and recorded in the Book of Ordinances, as they are adopted or changed, from time to time, and inasmuch as it is made the duty of the City Clerk, to keep a correct list of all the existing taxes, rates, licenses, fees, and charges posted on a Bulletin Board in the office of the City Clerk and in the Central Police Station.

The public are therefore referred to the bulletin boards for the law on these subjects.

REUBEN A. LEWIS,

Compiler.

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THE

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